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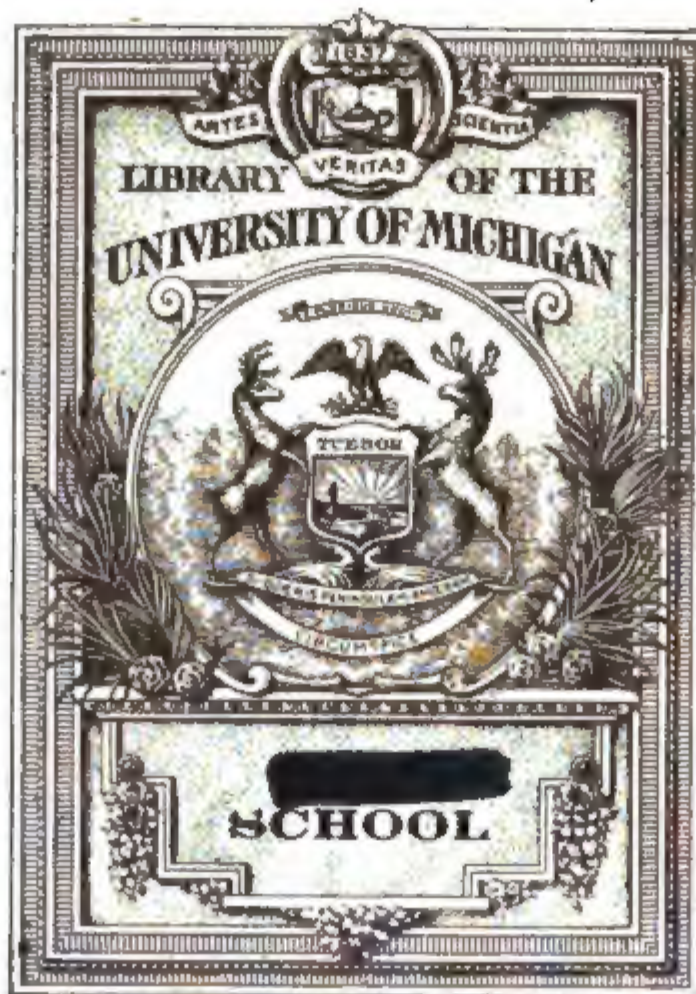
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STATE OF NEW YORK

ELEVENTH ANNUAL REPORT

OF THE

PUBLIC SERVICE COMMISSION

SECOND DISTRICT

FOR THE YEAR ENDED DECEMBER 31, 1917

COMMISSIONERS

SEYMOUR VAN SANTVOORD, Chairman

WILLIAM TEMPLE EMMET

FRANK IRVINE

JAMES O. CARR

JOHN A. BARHITE¹

¹ Appointed March 1, 1917, vice Hodson, term expired.

DEVOE P. HODSON

VOLUME I

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LETTERS OF TRANSMITTAL

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 14, 1918.*

HONORABLE EDWARD SCHOENECK, *Lieutenant-Governor, Albany,
N. Y.:*

SIR: I have the honor to transmit herewith the Annual Report of the Public Service Commission, Second District, for the year 1917.

Very respectfully,
SEYMOUR VAN SANTVOORD,
Chairman.

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 14, 1918.*

HONORABLE THADDEUS C. SWEET, *Speaker of the Assembly,
Albany, N. Y.:*

SIR: I have the honor to transmit herewith the Annual Report of the Public Service Commission, Second District, for the year 1917.

Very respectfully,
SEYMOUR VAN SANTVOORD,
Chairman.

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
ALBANY, *January 14, 1918.*

HONORABLE CHARLES S. WHITMAN, *Governor, Albany, N. Y.:*

SIR: I have the honor to transmit herewith the Annual Report of the Public Service Commission, Second District, for the year 1917.

Very respectfully,
SEYMOUR VAN SANTVOORD,
Chairman.

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION, SECOND DISTRICT

To the Legislature:

In compliance with the statute and with an unaffected desire to fully advise the Legislature of the activities of this Department during the last calendar year, the Public Service Commission for the Second District has the honor to transmit to your honorable body its Eleventh Annual Report, hereto annexed.

Under present conditions, by common consent recognized as extraordinary and without precedent, and of course especially because of the existing uncertainty as to both the immediate and ultimate effect upon this Commission, as upon similar bodies in other States, of control of railroad transportation which has just been assumed by the Federal Government, and as well of the not improbable extension to other public utilities, at least indirectly, of the idea of Government supervision, we have considered it advisable to eliminate from this report such general comment as otherwise properly might have been included in this foreword. We are not yet able to advise as to the precise effect of the President's most recent proclamation in respect of the railroads of the United States upon the duties, activities, and powers of this Commission. Therefore at the moment no comment upon or suggestion of possible value in respect of this momentous episode in the history and development of railroad transportation is possible. This Commission accordingly requests the privilege of submitting to the Legislature such further communication upon the subject as hereafter may seem to it proper and necessary.

Respectfully,

SEYMOUR VAN SANTVOORD,
WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

SUBDIVISION 1

SUMMARY OF APPLICATIONS AND COMPLAINTS RECEIVED AND DISPOSED OF

	1908	1909	1910	1911	1912	1913	1914	1915	1916	1917
Number of formal complaints.....	252	532	345	330	312	315	312	353	155	158
Number of correspondence complaints.....	1,147	1,088	1,452	1,713	2,227	2,158	1,726	1,352	1,327	1,330
Total number of complaints received.....	1,399	1,620	1,797	2,043	2,539	2,473	2,038	1,705	1,482	1,488
Applications from corporations (issue of securities, rates, etc.).....	207	225	262	278	314	369	325	292	320	288
Total number of complaints and applications....	1,606	1,845	2,059	2,321	2,853	2,842	2,363	1,997	1,802	1,776
Total for nine years.....										21,464
Orders of the Commission to show cause, etc., 1917.....										7
Formal complaints disposed of.....										160
Correspondence complaints.....										1,341
Applications disposed of.....										274
Orders of the Commission to show cause, etc.....										10

The total number of auto bus applications received during the year was 22, of which 19 were granted and 2 were denied because further competition in localities already sufficiently served would be detrimental to service, and 1 application was pending December 31st.

SUBDIVISION 2

HEARINGS BEFORE THE COMMISSION

From January 1, 1917, to December 31, 1917, the Commission held 619 hearings, of which number 221 were held in Albany, 112 in New York city, 158 in Buffalo, and 128 in various other places within the State.

Of the 316 days actively devoted to such hearings, the time of the Commission was divided as follows:

Albany.....	124 days
New York.....	66 days
Buffalo.....	60 days
General.....	66 days

SUBDIVISION 3

EXPENSES OF THE COMMISSION

The expenses of the Commission from its inception to June 30, 1917, have been as follows:

July 1, 1907, to September 30, 1908.....	\$307,734.05
October 1, 1908, to September 30, 1909.....	276,575.41
October 1, 1909, to September 30, 1910.....	295,443.08
October 1, 1910, to September 30, 1911.....	342,739.47
October 1, 1911, to September 30, 1912.....	372,323.04
October 1, 1912, to September 30, 1913.....	373,068.21
October 1, 1913, to September 30, 1914.....	405,955.22
October 1, 1914, to September 30, 1915.....	438,056.79
October 1, 1915, to June 30, 1916 (nine months).....	296,461.01
July 1, 1916, to June 30, 1917.....	378,544.72
Appropriations for fiscal year commencing July 1, 1917, and ending June 30, 1918..	403,740.00

As explained in previous reports, the increase in expenses during the years ended September 30, 1914, and September 30, 1915, is due to the cost of the investigation of the properties, affairs, and rates of charges of the New York Telephone Company within the city of New York, the regular expenses of the Commission during these years being \$398,033.02 and \$402,564.37 respectively. For purposes of comparison there may be added to the \$296,461.01 reported for the 9 months ended June 30, 1916, the sum of \$88,774.51 representing expenses during the months of July, August, and September, developing a total for the twelve months' period of \$385,235.52.

The foregoing does not include the estimated amount of the State's share of expenses incurred in grade crossing eliminations ordered by the Commission, nor does it include the amount actually expended for such purposes. The 1917 Legislature appropriated \$250,000 for the continuation of grade crossing elimination work.

There have been submitted to the proper state authorities estimates aggregating \$443,845 to cover the expenses of the Commission for the year commencing July 1, 1918. This amount includes an item of \$18,000 to cover the cost of the publication of the annual reports of the Commission, which expense heretofore has not been charged against the several state departments but has been included under the general head of Legislative Printing.

SUBDIVISION 4
CORPORATIONS UNDER JURISDICTION OF THE
COMMISSION

December 31, 1917, the Commission had upon its records the names of 963 corporations, municipalities, and unincorporated persons engaged in serving the public in some capacity, or incorporated or organized for the purpose of rendering such service. They are classified as follows:

<i>Steam Railroad Corporations</i>		
Operating.....	61	
Not operating, either inchoate or dormant.....	12	
Not operating, lessor.....	64	
	137	
<i>Street Railroad Corporations</i>		
Operating.....	69	
Not operating, either inchoate or dormant.....	7	
Not operating, lessor.....	20	
	96	
<i>Express Companies</i>		
Operating.....	5	
Not operating, lessor.....	1	
	6	
<i>Sleeping Car Company</i>		
Operating.....	1	
	1	
<i>Baggage Companies and Transfer Companies</i>		
Operating.....	67	
	67	
<i>Stage Coach Corporations</i>		
Operating.....	59	
	59	
<i>Stock Yard Company</i>		
Operating, unincorporated person.....	1	
	1	
<i>Freight Terminal Corporation</i>		
Not operating, either inchoate or dormant.....	1	
	1	
<i>Electrical Corporations</i>		
Operating.....	188	
Operating, unincorporated persons.....	69	
Operating, municipalities.....	53	
Not operating, either inchoate or dormant.....	13	
Not operating, lessor.....	8	
	331	
<i>Coal Gas or Water Gas Corporations</i>		
Operating.....	26	
Operating, unincorporated persons.....	4	
Operating, municipality.....	1	
Not operating, lessor.....	1	
	32	
<i>Coal Gas or Water Gas and Electrical Corporations</i>		
Operating.....	43	
Not operating, either inchoate or dormant.....	1	
	44	

<i>Natural Gas Corporations</i>		
Operating.....	44	
Operating, unincorporated persons.....	5	
Not operating, either inchoate or dormant.....	2	
Not operating, lessor.....	1	
	<hr/>	52
<i>Electrical and Natural Gas Corporations</i>		
Operating.....	2	
	<hr/>	2
<i>Coal Gas and Natural Gas Corporations</i>		
Operating.....	1	
	<hr/>	1
<i>Acetylene Gas Corporations</i>		
Operating.....	11	
Operating, unincorporated persons.....	5	
Operating, municipalities.....	2	
	<hr/>	18
<i>Gasoline Gas Corporations</i>		
Operating.....	8	
Operating, unincorporated persons.....	4	
	<hr/>	12
<i>Steam Corporations</i>		
Operating.....	11	
Operating, unincorporated persons.....	1	
	<hr/>	12
<i>Telephone Corporations</i>		
Operating.....	100	
Operating, unincorporated persons.....	4	
Not operating, either inchoate or dormant.....	2	
	<hr/>	106
<i>Telegraph and Cable Corporations</i>		
Operating.....	4	
	<hr/>	4
		<hr/>
		982
Less duplication on account of corporations which make separate reports in two or more classes of operations or for distinct properties.....		18
		<hr/>
Total.....		964

SUBDIVISION 5

REPORT OF DIVISION OF STATISTICS AND
ACCOUNTS

In the Commission's report for 1916 the printing of a sentence without the context which appeared in the original copy may have conveyed an erroneous impression in respect to certain work of the division. The sentence read, "There is some question, indeed, whether the work of examining annual reports and correcting them by correspondence is not out of proportion to the value of the results now obtained." The omitted context qualified this statement, however, by pointing out that the supervision exercised over accounting practices of public utility companies through the examination and criticism of their annual reports, while not the most effective supervision possible, was, under existing conditions, the best that could be done with the means available, and that such supervision undoubtedly did have a salutary effect. The value of it has been many times acknowledged by officers of corporations who are interested in obtaining through adequate accounting and statistical methods those facts upon which alone successful management or successful regulation can be based.

During the year an important change in the working methods of the division was necessitated by the change in the fiscal year of common carriers. These corporations, including steam and electric railroads, and express companies, formerly made annual reports to the Commission for the year ending June 30, corresponding to the period for which reports were required by the Interstate Commerce Commission. On November 24, 1916, the Interstate Commerce Commission issued an order changing the fiscal and reporting year for all common carriers to the calendar year, and requiring that the first annual reports under the new system should be for the year ended December 31, 1916. Soon after the Public Service Commission for the Second District issued a similar order, and shortly following that the State Board of Tax Commissioners made the calendar year the fiscal and reporting year for all corporations required to make annual reports to it. The plan of having all annual reports cover the calendar year thus put into effect has some important advantages, particularly for the corporations, which are saved consider-

able duplication of clerical work in being relieved from practically closing their books two or three times a year, and are also able in many cases to take advantage of manifolding, printing, or other similar devices in preparing schedules which correspond in form in the reports to the Public Service Commission, the Interstate Commerce Commission, and the State Board of Tax Commissioners. The uniform fiscal year has, however, one disadvantage. The work of examining, correcting, and abstracting for publication the annual reports of corporations was formerly spread rather evenly over the year inasmuch as reports of electrical, gas, telephone, and telegraph corporations were received in the Spring and reports of common carriers in the Fall. This work now has to be accomplished in a much briefer period in order to have most of the statistics available in published form within less than about eighteen months after the close of the period to which they relate. The situation has been met by dividing the examination of annual reports in two parts, a comparatively brief preliminary examination which it was hoped would catch most of the errors that might be seriously misleading if published, and a later examination after the abstracts had been prepared for publication to correct less important mistakes or omissions in the reports as well as improper accounting practices that might be evidenced by them. The new plan has not yet been fully tried out, but it is believed that it can be made to work satisfactorily.

Because of the change in fiscal years it was necessary to decide how the six months' interval between June 30 and December 31, 1916, should be covered in the annual reports. After due consideration it was thought better to follow the practice of the Interstate Commerce Commission in obtaining two complete annual reports than to require a separate report covering only the last six months of 1916. The main reason for this choice was that the continuity of comparisons on an annual basis would be better preserved. It is planned, therefore, to publish three separate volumes containing abstracts of annual reports of corporations covering some part of 1916. Mentioning them in the order of receipt of returns and consequently in the order of publication, they are the one containing abstracts of reports of common carriers for the year ended June 30, 1916, the one containing

abstracts of reports of electrical, gas, telephone and telegraph corporations for the year ended December 31, 1916, and the one containing abstracts of reports of common carriers for the year ended December 31, 1916. This last can not be printed until some time in 1918.

There was an unfortunate delay in obtaining from Washington the forms of annual reports for steam railroads, express, and sleeping car companies, which are supplied by the Interstate Commerce Commission to all state commissions that request them. Those for the year ended June 30, 1916, which should have been received in Albany and sent out to the corporations before the close of June, were not actually sent out until October. Those for the year ended December 31, 1916, which should have been sent out before that date, were not sent out until May and June, 1917. The returns were, of course, correspondingly delayed. Notwithstanding this, and in spite of the difficulties which this division in common with most corporations and state department bureaus had to contend with in the loss of experienced employees on account of conditions arising from the war, the work of correcting the returns and preparing the statistical abstracts for publication was finished in every case several weeks earlier than last year.

During the year the division prepared an adaptation of the Interstate Commerce Commission's Uniform System of Accounts for Electric Railways, which in tentative form has been submitted to the electric railway corporations of the Second District and will probably, with perhaps some modifications, be formally adopted during 1918. This will bring the accounting requirements of this Commission for electric railways into very close conformity with those of the Interstate Commerce Commission and of the large majority of other state commissions.

A considerable though not readily measurable proportion of the division's time has been devoted, as in prior years, to supplying information to inquirers about public service corporations. Visitors signing receipts for examination of reports of corporations at the office of the Commission numbered 258. For the three previous years the corresponding numbers were 1914, 221; 1915, 235; 1916, 290.

For three years past the report of this division has pointed out the desirability of certain amendments to the statute for the purpose of eliminating some troublesome formal requirements which have no practical value. Such amendments were introduced in the last Legislature, but along with a good many such more radical ones, failed to be reported out of committee. Repetition of the arguments for the proposed changes would be useless here, but the changes themselves are summarized, for the fourth successive time, as follows:

(a) Amendments giving the Commission discretion in the matter of requiring annual reports.

(b) Amendments giving the Commission wider discretion as to the form of verification of annual reports.

(c) Amendments to sections 66 and 80 of the Public Service Commissions Law eliminating the specific requirements of certain things to be contained in the annual reports of light, heat, and power plants, and leaving to the Commission the power to prescribe the form of the report under general directions like those in the corresponding sections of the law with reference to reports of common carriers and of telephone and telegraph companies.

Comment on Appendices: Appendix A: The summaries of significant totals of income and traffic have been brought down to date, and in the following paragraphs attention is directed to their most important features. The caution in last year's report about basing final conclusions as to the condition of any particular public utility industry on these figures alone is repeated. As explained at somewhat greater length in last year's report, fluctuations in mere totals may depend on several factors besides the actual condition of the industry in New York state. The preparation of more significant figures, however, would require intensive studies of a sort which the Commission has as yet not felt called upon to undertake. Making all necessary allowances, nevertheless, the figures in many cases indicate the existence of certain very suggestive tendencies.

Steam Railroad Corporations: Owing to the change in the fiscal year the last year in the series tabulated overlaps the preceding year, covering six months' operations which have already

gone to make up the totals for the year ended June 30, 1916. The steam railroad mileage given, it must be borne in mind, shows mileage in New York only, but the financial and statistical results of operations are for all railroads reporting to the Public Service Commission, Second District, and thus include results of extensive operations outside the State. While operating revenue during the year ended June 30, 1916, increased 18.5 per cent over that for the preceding year, and operating expense in the same year increased only 9.8 per cent, during the year ended December 31, 1916, operating revenue increased over that for the twelve months ended on June 30, 1916, only 4.8 per cent while operating expense increased 7.6 per cent. As a result, net revenue from railway operations shows a slight falling off in the last year of the series, although the figures for the last two fiscal periods are considerably higher than for any other year since these returns have been tabulated. Railway tax accruals have increased more rapidly and more steadily than any other of the income items here selected for comparison. Net income from all sources is, however, much larger in the years ended June 30, 1916, and December 31, 1916, than ever before, but begins to show a tendency in the last year to fall off again.

Electric Railroad Corporations: The same remarks as to fiscal year and mileage figures apply to the electric railroad comparisons as are printed above concerning steam railroad corporations. Electric railroad operating revenue and expense both increased somewhat in the year ended December 31, 1916, as compared with the year ended June 30, 1916. Operating income and gross income were higher in the year ended December 31, 1916, than for any previous year shown. Net income, however, because of large fixed charges, was still 36.5 per cent less than in the first year of the series although the last three years show an apparent upward tendency. Dividends were larger than net income, indicating that they continue to be paid in part from accumulated surplus. The number of fares and transfers reported was greater in the year ended December 31, 1916, than in any previous year shown, but the total revenue car mileage was slightly less than that for the year ended June 30, 1914, which was the highest year of the series.

Electrical Corporations and Gas Corporations: The returns of the larger electrical corporations and gas corporations are summarized in four groups: those which do an electric business but no coal or water gas business, those which do both an electric and a coal or water gas business, those which do a coal or water gas business but not an electric business, and those which are engaged in producing and distributing natural gas. The first group shows steady and continuous increases in revenues and expenses, gross and net income. The sudden increase from 1915 to 1916 in "Other operations, net revenue" is due to the inclusion in the table for the first time of the Binghamton Railway Company whose light and power department has had an annual revenue averaging over \$25,000 for the past three years. Net income from electric operations was higher than for any previous year, being more than seven times as great as for 1908. Dividends, which were slightly lower in 1915 than in 1914, were again increased in 1916, being 19.6 per cent in excess of those paid in the previous year and over three times the dividends in 1908. Such increases as are here pointed out are of course an indication of the expansion of the industry, but it does not necessarily mean that the corporations are unduly prosperous or that they are earning an excessive return upon the value of the property employed in the public service.

For the corporations which conduct both electric and gas operations the same general tendencies are apparent as for those which are engaged in electric operations alone. It is noticeable, however, that whereas electric operating income increased 179 per cent during the nine years under comparison, gas operating income in the same period increased only 66.3 per cent.

The tendencies indicated by the totals for the coal and water gas corporations are in marked contrast to those shown by the returns of corporations engaged in electric operations. The falling off in operating income, however, which was a conspicuous feature of the comparisons from 1910 to 1914 seems to have been checked and a slight upward tendency is indicated. Net income from all sources was a very little more in 1916 than in the previous year but less by 45.6 per cent than in 1908. Dividends were 42.7 per cent less in 1916 than in 1915.

The natural gas corporations show rather greater fluctuations in the totals compared but on the whole the tendency seems to be for increase in both revenue and expense and in both gross and net income. The total net income for 1916 was nearly as great as for 1912, the last year which included the operations of the Pennsylvania properties of the United Natural Gas Company, afterward transferred to a Pennsylvania corporation. The large increase in 1916 dividends is principally due to a stock dividend of \$2,400,000 declared by the Pennsylvania Gas Company.

Telephone Corporations: Nearly every item in the comparison shows a steady increase through the five years since the Commission was given supervision over telephone corporations. Net income showed a slight falling off in 1914 but more than recovered in 1915, and in 1916 was 14 per cent greater than in the previous year and 18.5 per cent greater than in 1912. Dividends were 5.1 per cent greater in 1916 as compared with 1915 and show a 13 per cent increase over the first year of the series.

Appendix B: The study of comparative fuel costs has been continued, but for 1917 and thereafter it is the intention to confine it to the preceding five years. The first year for which such figures were tabulated was 1911, and the figures for that year may be found in the annual reports to the Commission from 1912 to 1916 inclusive. The figures shown are chiefly significant, of course, in the case of those corporations generating electricity largely by steam power. The totals for this group show that the companies selected for the comparison more than doubled their energy output in five years, while increasing the quantity of coal used for generating purposes by less than 50 per cent. A marked decrease is also shown each year in the pounds of coal used per kilowatt hour generated, the average falling from 5.11 in 1912 to 3.63 in 1916. This indicates a gratifying tendency to more efficient operation. As perhaps might be expected, this tendency is generally much more marked in the larger companies. The average cost of coal per ton has risen, but greater operating efficiency enabled the companies to keep the average cost per kilowatt hour generated constantly falling until last year, when increased efficiency was not quite able to overcome higher fuel

cost. Similar tendencies are indicated by the figures for those corporations which generate electricity largely by hydraulic power and for those which purchase most of their power, although for obvious reasons the fuel costs of the last two groups are somewhat less significant than the costs for companies whose power plants are mostly operated by steam. In this year's table, however, companies which generated by steam power less than 150,000 kilowatt hours during 1916 have been eliminated from the comparison, thus increasing the significance of the totals.

SUBDIVISION 6

DIVISION OF CAPITALIZATION

Due to the existence of war conditions for the greater part of the year which has just passed, the question of the capitalization of public utility companies has assumed more importance than could heretofore be attached to it. Many of the public utility companies within this Second District have been directly called upon by the Federal Government either to furnish energy in large amounts or to establish and maintain additional and enlarged facilities for transportation. These direct calls have come from the government incident to the establishment and maintenance of training camps, cantonments, and other centers of military activity in various parts of the State. Second only to this in immediate importance are the demands made for energy and transportation by industries whose plants are devoted to the production of commodities used and useful in warfare.

The expansion of facilities for the purpose of meeting these demands has necessitated the procuring of new and additional capital in amounts even beyond those which are ordinarily necessary to enable companies to keep abreast of the ever increasing normal demand. It has been necessary for the public utility companies to find these additional amounts of capital at a time when the world war had caused financial conditions to have become unsettled and at a time when the savings of the nation were being borrowed by the Federal Government on very favorable bases and in unprecedented amounts. That the public utility industry in this State has been able to finance itself at all in the face of conditions such as have existed in the last three-quarters of the current year is believed to be a remarkable achievement. Without desiring to minimize in any way the enterprise and ability of those entrusted with the management of the public utilities subject to the jurisdiction of this Commission, it is felt that the existence and enforcement of the regulatory statute in force in this State has been of material aid in making possible the results secured. The knowledge on the part of investors and others that the issuance of securities by public utility corporations within this State has received Commission approval adds to their stability and increases their negotiability. In the pres-

ent period of stress the Commission is lending all possible encouragement to legitimate financial undertakings, and by advice, suggestion, and constructive criticism based upon its wide experience in such matters, is aiding all properly disposed enterprises to solve their financial problems to the end that their service to the public may be maintained and improved.

Taking the year as a whole, it is found that the number of applications filed for authority to issue capital securities in 1917 is only slightly less than the number of similar petitions filed in the preceding year when market conditions were excellent. A complete table of the number of applications filed in each of the years since the Public Service Commissions Law was enacted is embodied in the following:

1907 (six months).....	40
1908.....	81
1909.....	97
1910.....	100
1911.....	138
1912.....	111
1913.....	126
1914.....	94
1915.....	94
1916.....	128
1917.....	117

Of those cases carried over from 1916 and out of the 117 received during the current year, 112 cases have been closed. Incident to the closing of these cases the Commission has authorized the issue of capital securities in the face and par amount of 189 millions of dollars. These securities have been authorized to be sold at prices yielding not less than 179 millions of dollars, and the Commission has directed that these proceeds be used toward the satisfaction of corporate needs aggregating 199 millions of dollars, as follows:

- (a) For the refunding of capital obligations, and
for mergers, consolidations, and reorgani-
zations

85 millions
- (b) To defray the cost of new construction to be
undertaken and to provide working capital

47 millions
- (c) For the reimbursement of moneys actually ex-
pended from income, or from any other
moneys in the treasury of the corporation
not secured or obtained from the issue of

stocks, bonds, notes or other evidence of indebtedness	60 millions
(d) For the payment of unsecured or floating debt which was incurred by companies to cover capital expenditures made, mainly within the years just preceding the current year	7 millions
<hr/>	
Total	199 millions

Of this amount, 114 millions of dollars represents new capital which has been induced to enter the field, while the remaining 85 millions is partly new money found to replace other money withdrawn and partly continuing investment represented by different certificates.

That the Public Service Commissions Law has been effective in checking the indiscriminate flotation of stocks and bonds without adequate or proper security is shown by the fact that out of the 199 millions of dollars, of purposes to which the proceeds of securities authorized to be issued in the current year were devoted, but \$562,000 has been required to be certified as being chargeable to operating expenses or to income for costs of replacements or other losses.

The general character of the work of this division has for the greater part remained unchanged although the increased pressure placed upon it as a result of the exigencies of the general financial situation has been felt. Many of the financial plans submitted to the Commission for approval have depended for their success upon the celerity with which the cases could be progressed and the promptness and despatch with which this Commission's approval or disapproval could be obtained. The Commission has endeavored to respond to the needs of the situation for prompt action and has progressed applications presented to it as expeditiously as human endeavor and proper precaution would permit.

The tendency toward consolidations and mergers which was referred to in last year's annual report has not been as marked this year as in preceding periods. This is probably for the reason that it is difficult to attract new capital for undertakings of this character at the present time.

Three members of this division's force have entered the military and naval service of the Nation during the year, and in addition, the loss by resignation of several experienced examiners has been felt. W. H. Taaffe, who had been chief of the division since March 1, 1915, resigned October 1, 1917, and was succeeded by W. J. Henderson who had been his principal assistant.

SUBDIVISION 7

REPORT OF DIVISION OF STEAM RAILROADS

The organization of the division has been changed materially during the year because of the war. Four employees have entered the army and the vacancies thus created have been or will be filled by temporary appointments. These changes have had quite a serious effect on the work of the division, chiefly by delaying work in progress. Additional service on the part of the remaining employees has however permitted the most important work to be completed.

There have been a number of changes in the operations of the smaller railroads within the year. The Wellsville and Buffalo Railroad, the operation of which was stopped in 1916, has been torn up. The Prattsburgh Railroad Corporation has acquired the Kanona and Prattsburgh railroad which was sold at a foreclosure sale, and is operating it. The Marion Railway Corporation acquired the Newark and Marion railroad which was sold at a foreclosure sale, and is operating it. The property of the Carthage and Copenhagen railroad was sold at a foreclosure sale after operation had ceased and was subsequently acquired by the Deer River Railroad Corporation. Foreclosure proceedings were instituted on the property of the Buffalo, Attica and Arcade Railroad Company and it was sold, being subsequently acquired by the Arcade and Attica Railroad Corporation, by whom it is now operated. This corporation also acquired a portion of the property of the Wellsville and Buffalo Railroad Corporation by which connection could be made with the Buffalo division of the Pennsylvania Railroad at Arcade. The Catskill Mountain Railroad Corporation has acquired the properties of the Catskill Mountain Railway Company and the Otis Railway, both of which were sold at foreclosure sales, and the property of the Catskill and Tannersville Railroad Company which was disposed of under dissolution proceedings, and is operating these properties as one system. The property of the Cairo Railroad Company has not as yet been taken into the corporation.

Inspections of Permanent Way and Operation: The annual inspections have been completed for the year. The labor situation which was reported as being acute last year has continued to be serious. Extraordinary methods such as the employment of women for light track work, neglect of all save fundamental necessities, and the combination of section gangs have enabled the corporations to maintain their tracks in good condition. This neglect of numerous details not directly essential to the immediate safety of the track means that this work will become essential later and hence it is merely a postponement. What the ultimate effect of this situation will be is doubtful, but it is distinctly evident that relief must come shortly if the tracks are to be kept in safe condition for high speed.

The attention of the inspectors has been directed therefore to the fundamentals of track work in an effort to check up the work done or to be done, with the single thought of safety, and it is gratifying to report that wherever recommendations for improvements or the application of remedial measures have been made, a prompt compliance has resulted.

Careful attention has been directed to the rail situation, for with the high cost of new rail and the difficulty being experienced in securing it, the old rail has been made to give service beyond the time when normally renewal would have been considered necessary. The following table gives information with respect to rail failures, and it is believed clearly reflects the result of continuing rails in service beyond that point normally considered proper as well as the increased traffic which has been imposed on them.

<i>Month</i>	<i>1911-12</i>	<i>1912-13</i>	<i>1913-14</i>	<i>1914-15</i>	<i>1915-16</i>	<i>1916-17</i>
July.....	88	179	149	122	110	89
August.....	125	227	94	101	98	122
September.....	216	167	161	134	47	165
October.....	278	320	206	199	222	216
November..	241	450	245	226	226	263
December.....	241	363	338	364	247	177
January.....	1,283	347	390	447	247	330
February.....	1,124	391	734	350	282	926
March.....	1,173	384	596	362	451	514
April.....	511	201	347	188	222	283
May.....	165	151	147	141	149	220
June.....	109	117	111	97	123	142
Totals.....	5,554	3,297	3,518	2,731	2,424	3,447

There has been an increase of 1023 in the total number of broken rails reported for 1916-17 over those reported for 1915-16, or about 42%. What the import of this may be aside from the conclusions indicated above is conjectural. It is to be regretted that the improvement over the earlier years heretofore indicated could not be maintained.

Of the 3447 breakages reported for 1916-17, 445 or 12.9% resulted from internal transverse fissures. Tables similar to those presented in the last annual report are given herewith. These seem to indicate that the solution of this problem is still in doubt, notwithstanding the numerous theories which have been presented. It would appear that the character of the steel as well as the methods employed in its manufacture are still to be carefully considered in reaching a conclusion as to the cause of this type of failure.

The following table indicates the transverse fissure failures, separated in various ways:

By railroads		By manufacturers		By rail sections		Position in ingot	
Name	Number	Name	Number	Weight rail, lbs.	Number	Rail letter	Number
D., L. & W.....	564	A	530	105	22	A	291
N. Y. C.....	348	B	590	101	117	B	333
D. & H.....	108	C	32	100	392	C	165
L. V.....	101	D	10	91	442	D	109
N. Y., O. & W.....	42	E	19	90	113	E	85
Penna.....	8	F	3	85	42	No letter	205
Rutland.....	1	G	1	80	54	.....	.....
N. Y., N. H. & H.....	10	H	1	76	5	.....	.....
C. N. E.....	5	.....	2	70	1	.....	.....
Eric.....	1	.....	.....	.....	.....	.....	.....
Totals.....	1,188	.....	1,188	.....	1,188	.....	1,188

Attention is directed to the fact that the number of fissures developing in the relatively lighter rails is insignificant despite the fact that there is a considerable tonnage in service in this state carrying wheel loads of relatively high intensity.

The following table shows the rail failures due to internal transverse fissures per month. Changes will be noted in the figures for several months of 1916 reported in the annual report for last year. These are due to the receipt of reports of other failures subsequent to the compilation of the report in question. Attention is directed to the fact that the rate of failure is comparatively uniform throughout the year, and hence it would seem

that the theory that these failures are due largely to internal stresses residing in the rail subsequent to manufacture and those induced by cold rolling after being placed in the track, is not borne out; for if such were the case we could reasonably expect a large increase in the number during those months when the track conditions are poorest.

Month	1913	1914	1915	1916	1917	Total
January.....		13	23	26	43	105
February.....		13	11	20	34	78
March.....		12	35	22	33	102
April.....		12	19	25	43	99
May.....		12	22	27	31	92
June.....		11	17	34	31	93
July.....		12	14	18	16	60
August.....		5	20	31	36	92
September.....		5	38	55	*18	116
October.....		16	32	46	*24	118
November.....		35	38	42	*12	127
December.....	4	26	38	38	.....	106
Totals.....	4	172	307	384	321	1,188

* Not complete.

The following tables include information with reference to the breakages arranged in accordance with the year of rolling:

Year	No.	Year	No.
1916.....	2	1905.....	2
1915.....	2	1902.....	1
1914.....	40	1901.....	3
1913.....	98	1899.....	3
1912.....	108	1898.....	4
1911.....	390	1897.....	11
1910.....	349	1896.....	2
1909.....	130	1892.....	2
1908.....	26	1890.....	1
1907.....	4	No date.....	7
1906.....	3		
Total.....	1,152	Total.....	36
		Total.....	1,188
Rails broken on curves.....	522	Rails broken over ties.....	448
Rails broken on tangents.....	666	Rails broken between ties.....	740
Total.....	1,188	Total.....	1,188

There have been no material changes in the block signaling systems throughout the State during the past year.

Inspections of Locomotive Equipment: The equipment of all of the corporations subject to the jurisdiction of the Commission has been inspected during the year. Re-inspections have been made in the case of several railroads where a number of defective conditions were found for the correction of which recommenda-

tions were made. In each case there has been a specific compliance with the recommendations of the Commission, despite the fact that the corporations in many instances have been seriously handicapped by a lack of labor at their several repair terminals. Notwithstanding the labor difficulties the power throughout the State has been maintained in very good condition, and there has been no evidence of marked retrogression.

Tables are herewith presented which generally indicate the condition of the equipment:

Class A Railroads	
Boston and Albany	Long Island
Boston and Maine	New York Central
Buffalo, Rochester and Pittsburgh	New York, New Haven and Hartford
Delaware and Hudson	New York, Ontario and Western
Delaware, Lackawanna and Western	Pennsylvania
Erie	Rutland
Lehigh Valley	
Class B Railroads	
Central New England	Pittsburg, Shawmut and Northern
Lehigh and Hudson River	Ulster and Delaware
New York, Chicago and St. Louis	
Class C Railroads	
Adirondack and St. Lawrence	Lehigh and New England
Arcade and Attica	Lowville and Beaver River
Bath and Hammondsport	Marcellus and Otisco Lake
Buffalo Creek	Marion
Buffalo and Susquehanna	Marion River Carry
Catskill Mountain	Michigan Central
Central New York Southern	Middleburgh & Schoharie
Dansville and Mt. Morris	Middletown and Unionville.
Delaware and Northern	Newton Falls and Northern
Dexter and Northern	New York and Pennsylvania
Fonda, Johnstown and Gloversville	Norwood and St. Lawrence
Genesee and Wyoming	Owasco River
Glenfield and Western	Prattsburg
Grand Trunk	Schoharie Valley
Grasse River	Skaneateles
Greenwich and Johnsonville	South Buffalo
Keeeseville, Ausable Chasm and Lake Champlain	Unadilla Valley
Lake Champlain and Moriah	

Locomotives Assigned to Service in State

Nature	1917		1916		1915		1914		1913	
	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent	Num-ber	Per-cent
Locomotives assigned to service in State on railroads on which general inspection was made.....	4,525	100	5,660	100	6,024	100	6,011	100	6,698	100
Locomotives assigned to service in State in-spected.....	3,084	68.2	3,626	64.0	4,027	66.9	3,885	64.6	3,667	54.7

Defects Observed

Item		Class A railroads	Class B railroads	Class C railroads	Totals
Number of locomotives operated.....	.....	3,988	264	273	4,525
Locomotives inspected.....	No. %	2,697 67.6	170 64.4	217 79.5	3,084 68.2
<i>Nature of defects</i>		<i>Number and percentage of defects</i>			
Air-brake equipment defective.....	No. %	107 3.9	10 5.9	18 8.3	135 4.3
Draft gear defective.....	No. %	34 1.2	4 2.3	11 5.0	49 1.6
Driving gear defective ¹	No. %	318 11.8	11 6.4	9 4.1	338 10.9
Driving wheels defective.....	No. %	49 1.8	1 0.5	12 5.5	62 2.0
Engine truck or trailer wheels defective.....	No. %	6 0.2	0 0	1 0.4	7 0.22
Tender, tender trucks or wheels defective...	No. %	84 3.1	6 3.5	12 5.5	102 3.3
Metallic packing leaking.....	No. %	17 0.6	4 2.3	6 2.7	27 0.87
Running gear defective ²	No. %	151 5.6	13 7.6	14 6.4	178 5.8
Safety appliances defective.....	No. %	70 2.6	6 3.5	16 7.4	92 2.9
Headlights defective.....	No. %	15 0.5	4 2.3	8 3.6	27 0.87
Signal lights defective.....	No. %	0 0	0 0	0 0	0 0
Arch-tubes defective or leaking.....	No. %	18 0.67	1 0.5	0 0	19 0.6
Ash-pans or smoke arch defective.....	No. %	63 2.3	3 1.7	6 2.7	72 2.3
Barrel cracked or defective.....	No. %	1 0.037	0 0	0 0	1 0.03
Barrel leaking.....	No. %	18 0.67	1 0.5	0 0	19 0.6
Boiler mountings inside of cab leaking or defective ³	No. %	51 1.9	2 1.1	3 1.4	56 1.8
Boiler mountings outside of cab leaking or defective ⁴	No. %	159 5.9	16 9.4	19 8.7	194 6.2
Dome cracked.....	No. %	0 0	0 0	0 0	0 0
Dome leaking.....	No. %	28 1.0	2 1.1	2 0.9	32 1.0
Flues or firebox sheets leaking or defective...	No. %	58 2.1	5 2.9	8 3.6	71 2.3

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Item		Class A railroads	Class B railroads	Class C railroads	Total
Nature of defects		Number and percentage of defects			
Flues plugged.....	No.	0	0	1	1
	%	0	0	0.4	0.0
Foundation rings leaking.....	No.	75	9	18	102
	%	2.7	5.3	8.3	3.3
Gauge-cocks leaking or defective.....	No.	34	3	2	39
	%	1.2	1.7	0.9	1.2
Injectors inoperative or defective.....	No.	7	0	0	7
	%	0.26	0	0	0.2
Lubricator shields missing or defective.....	No.	0	0	2	2
	%	0	0	0.9	0.06
Staybolts broken.....	No.	60	8	29	97
	%	2.2	4.7	13.4	3.1
Telltale holes plugged or hammered over.....	No.	24	0	0	24
	%	0.8	0	0	0.7
Throat or side sheets (outside) defective.....	No.	10	2	3	15
	%	0.37	1.1	1.4	0.4
Water-glass or water-glass shield missing or defective.....	No.	12	1	1	14
	%	0.44	0.5	0.4	0.4

- ¹ This defect covers crossheads, guides, piston and piston rods, main and side rods.
² This defect covers crank pins, driving boxes, driving box shoes and wedges, frames, lateral motion, motion work, pilots, and spring rigging.
³ This defect covers injector connections in cab, squirt hose connections, steam gauge and fittings, steam pipes and valves in cab, etc.
⁴ This defect covers blow-off cock, boiler checks, cylinder leaks, plugs leaking, steam valves outside of cab, and washout plugs, etc.

Passenger Cars Inspected

Railroad	Number of cars operated in New York State	Number of cars inspected
Adirondack and St. Lawrence.....	2	2
Arcade and Attica.....	1	1
Bath and Hammondsport.....	2	2
Buffalo and Susquehanna.....	15	9
Catskill Mountain.....	19	17
Central New York Southern.....	6	6
Dansville and Mt. Morris.....	2	2
Delaware and Northern.....	7	7
Dexter and Northern.....	1	1
Fonda, Johnstown and Gloversville.....	25	25
Genesee and Wyoming.....	1	0
Glenfield and Western.....	1	1
Greenwich and Johnsonville.....	4	4
Keeseville, Ausable Chasm and Lake Champlain.....	1	1
Lake Champlain and Moriah.....	3	3
Lehigh and Hudson River.....	12	9
Lowville and Beaver River.....	3	3
Marcellus and Otisco Lake.....	2	2
Marion River Carry.....	3	3
Middleburgh & Schoharie.....	1	1
Middletown and Unionville.....	3	3
New York and Pennsylvania.....	3	2
Norwood and St. Lawrence.....	2	1
Pittsburg, Shawmut and Northern.....	18	9
Prattsburgh.....	1	1
Schoharie Valley.....	1	1
Skaneateles.....	2	2
Ulster and Delaware.....	40	20
Unadilla Valley.....	3	2
Totals.....	184	140

Defects Found in Passenger Cars

<i>Exterior:</i>	<i>Nature of defects</i>	<i>Number of defects</i>
Brakes defective.....		5
Trucks defective.....		6
Sills defective.....		1
Draft rigging defective.....		4
Platform and steps defective.....		2
Paint poor.....		9
Not clean or sanitary.....		1
<i>Interior:</i>		
Lavatory unsanitary.....		2
Oil lamps defective.....		3
Seats defective.....		1
Paint or varnish poor.....		4
Not clean or sanitary.....		1

There have been no reports of fires caused within the Forest Preserve by coal-burning locomotives. The burning of oil was continued throughout the Summer in accordance with the order of the Commission.

Locomotive Boiler Inspections: In compliance with the statute, the filing of specification cards, certificates, etc., has been continued, and information compiled therefrom is given herewith. The results of inspections made have been tabulated with the results of equipment inspections already given.

Total number of locomotive boilers reported and their distribution according to companies are shown as follows:

New York Central.....	3,060
Erie.....	1,539
Pennsylvania and Northern Central.....	882
Lehigh Valley.....	767
Delaware, Lackawanna and Western.....	719
New York, New Haven and Hartford.....	612
Delaware and Hudson.....	488
Boston and Maine.....	362
Buffalo, Rochester and Pittsburgh.....	321
Grand Trunk.....	305
Boston and Albany.....	235
New York, Chicago and St. Louis.....	222
New York, Ontario and Western.....	203
Michigan Central.....	194
Long Island.....	190
Rutland.....	89
Central New England.....	82
Lehigh and Hudson River.....	61
Buffalo and Susquehanna.....	52
Wabash.....	47
Pittsburg, Shawmut and Northern.....	46
Canadian Pacific.....	45
Lehigh and New England.....	41
Pere Marquette.....	35
South Buffalo.....	30
Ulster and Delaware.....	29
Walsh Construction Company.....	27
Central Vermont.....	25
Buffalo Creek.....	23

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Toronto, Hamilton and Buffalo.....	21
Solvay Process Company.....	7
American Locomotive Company.....	9
Fonda, Johnstown and Gloversville.....	7
Lake Champlain and Moriah.....	7
Delaware and Northern.....	6
Genesee and Wyoming.....	6
Grasse River Railroad Corporation.....	6
Wickwire Steel Company.....	5
Catskill Mountain.....	5
Central New York Southern.....	5
New York and Pennsylvania.....	5
Total for above companies.....	10,821
41 other companies operating less than five locomotives.....	83
Grand total December 1, 1917.....	10,904

The following table shows the disposition of boilers reported during the past year:

Number of boilers reported for service December 1, 1916.....	10,295
Number of boilers scrapped or sold during year.....	221
Number of boilers permanently withdrawn from New York state during year..	34
	255
Difference.....	10,040
Specification cards filed during year.....	864

Number of boilers reported for service December 1, 1917.....	10,904
--	--------

The total number of alteration reports and re-filed specification cards received during past year are as follows:

Number of specification cards re-filed during year.....	130
Number of alteration reports filed during year.....	1,248
	1,378

The number of locomotive boilers reported and average ages are as follows:

Railroad	Number of locomotive boilers reported for service	Average age
Boston & Albany.....	235	10.02
Boston & Maine.....	362	8.51
Buffalo, Rochester & Pittsburgh.....	321	11.87
Buffalo & Susquehanna.....	52	12.50
Central New England.....	82	13.33
Delaware & Hudson.....	488	13.93
Delaware, Lackawanna & Western.....	719	13.33
Erie.....	1,539	15.07
Grand Trunk.....	305	16.26
Lehigh & Hudson River.....	61	15.48
Lehigh Valley.....	787	9.60
Long Island.....	190	16.79
Michigan Central.....	194	12.24
New York Central.....	3,060	9.99
New York, Chicago & St. Louis.....	222	9.56
New York, New Haven & Hartford.....	612	13.17
New York, Ontario & Western.....	203	14.58
Pennsylvania.....	882	12.15
Rutland.....	89	16.57
	10,383	12.06

In addition to the above, there were 63 railroad and manufacturing companies operating less than 50 locomotives each, who reported 521 locomotive boilers in service of an average age of 13.66 years, making a total of all railroad and manufacturing companies in the State reporting 10,904 locomotive boilers of an average age of 12.15 years.

December 1, 1916, there were 10,295 locomotive boilers of an average age of 11.73 years.

The distribution of boilers according to their ages is as follows:

	Dec. 1, 1914	Dec. 1, 1915	Dec. 1, 1916	Dec. 1, 1917
Number of boilers reported under 10 years of age.	4,709	3,970	3,617	3,781
Number of boilers reported 10 years and under 20 years.....	4,344	4,843	5,859	5,882
Number of boilers reported 20 years and under 30 years.....	953	996	980	1,064
Number of boilers reported 30 years and under 40 years.....	123	131	138	195
Number of boilers reported 40 years and over....	1	0	1	2
	10,130	9,940	10,295	10,904

The number of locomotive boilers built during the past three years is shown as follows:

Company	1917	1916	1915
American Car and Foundry Company.....	0	1	0
Boston and Albany.....	5	6	5
Boston and Maine.....	1	59	0
Buffalo Creek.....	0	3	0
Buffalo, Rochester and Pittsburgh.....	15	12	10
Central New England.....	0	3	0
Delaware and Hudson.....	0	1	0
Delaware, Lackawanna and Western.....	7	18	5
Erie.....	46	71	8
Genesee and Wyoming.....	0	0	1
Glenfield and Western.....	1	0	0
Lake Champlain and Moriah.....	0	1	0
Lehigh and Hudson River.....	0	4	0
Lehigh Valley.....	86	88	97
Long Island.....	6	4	0
Michigan Central.....	0	4	0
New York Central.....	144	169	61
New York, Chicago and St. Louis.....	45	10	0
New York, New Haven and Hartford.....	1	79	0
New York, Ontario and Western.....	0	0	12
Pennsylvania.....	35	18	7
Porter Bros.....	0	1	0
Rogers Brown Iron Co.....	0	1	0
Schoharie Valley.....	0	0	1
Skaneateles.....	0	0	1
Solvay Process Company.....	0	2	0
Union Carbide Company.....	0	2	0
Walsh Construction Company.....	2	0	0
	394	557	208

Train Service: In compliance with the recommendations of the representatives of the railroad corporations at Washington a number of the railroads have made extensive curtailments in

their passenger service. These curtailments have resulted in many complaints chiefly because in establishing the new timetables the result has been that the urgent needs of the community were not met. Hearings and conferences held by the Commission with the intent of correcting these difficulties with due regard for the purpose for which the curtailments were made have resulted in practically every instance in the settlement of the difficulties to the satisfaction of the complainants and the accomplishment of the original purpose of the corporations. Service has been ordered restored in two communities, in one of which the very existence of that community appeared to have been threatened, and in the other where the discontinuance was apparently seriously inconveniencing the public without materially accomplishing the purpose for which it was designed. Undoubtedly as the war progresses and the demand for men and the transportation of materials increases, further curtailments must be expected. Careful consideration on the part of the corporations can effect these with a minimum of inconvenience, but a ruthless disregard of communities as such for the mere purpose of accomplishing a fixed decrease in passenger mileage will work much unnecessary and unwarranted hardship.

The regularity of operation when compared with former years appears unsatisfactory due to the increase in heavy express and passenger business which the railroads have been called upon to sustain within the past year, coupled with the absolute necessity of moving freight. The tables which have been compiled show this clearly. The difficulties of moving express have grown rapidly and the reasonableness of converting what was formerly a passenger and express business into a mixed passenger and freight business is open to serious question. Either schedules will have to be lengthened to take care of the additional work required in making transfers, thereby entailing unsatisfactory service and extensive delays to other traffic, or provision will have to be made for handling express matter in trains designed exclusively for that work, which can be moved when traffic conditions permit.

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Monthly Comparison of Total Passenger Train Movement, Year Ended June 30, 1917

Month	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported
1916				
July.....	71,008	13,782	81	4.8
August.....	75,211	13,563	82	4.3
September.....	70,168	16,566	76	5.7
October.....	68,808	15,386	78	5.1
November.....	66,934	14,028	79	5.2
December.....	66,971	19,516	71	12.8
1917				
January.....	67,504	15,335	77	9.2
February.....	59,833	20,427	66	16.8
March.....	67,309	15,025	78	6.8
April.....	63,399	12,171	81	5.1
May.....	68,182	11,048	84	3.6
June.....	66,002	12,871	81	4.6

Comparison of Principal Causes of Delay for Years Ended June 30, 1914, 1915, 1916, and 1917

Nature of delay	Per cent of delay caused			
	1913-14	1914-15	1915-16	1916-17
Engine failures.....	4.6	4.0	3.2	2.0
Failures of other equipment.....	2.0	2.3	1.8	1.9
Wrecks.....	3.6	4.0	3.3	2.8
Unfavorable conditions of track.....	3.1	2.5	3.4	2.4
Waiting for trains from other divisions.....	24.9	22.4	34.4	37.0
Waiting for trains from other railroads.....	15.3	14.5	11.5	11.8
Meeting and passing trains.....	5.0	5.5	5.7	5.6
Signals.....	1.3	1.2	1.2	1.4
Trains ahead.....	6.5	6.2	7.0	7.7
Waiting for orders.....	0.2	0.2	0.2	0.3
Train work at stations.....	13.1	18.9	21.1	22.3
Weather conditions.....	5.8	2.1	3.7	1.7
All other causes.....	5.1	5.3	3.5	2.7

Passenger Train Movements

Railroad	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported
Bath and Hammondsport.....	2,628	557	78.8	5.2
Boston and Albany.....	12,939	3,480	73.1	8.7
Boston and Maine.....	13,858	5,514	60.2	9.7
Buffalo and Susquehanna.....	1,980	656	68.9	8.2
Buffalo, Attica and Arcade.....	551	257	53.4	52.1
Buffalo, Rochester and Pittsburgh.....	13,955	3,531	74.7	6.1
Central New England.....	8,520	2,132	75.0	7.1
Danville and Mt. Morris.....	1,769	167	90.6	2.5
Delaware and Hudson.....	66,096	12,350	78.0	6.3
Delaware, Lackawanna and Western.....	18,314	3,308	81.9	4.4
Delaware and Northern.....	1,745	297	83.0	3.9
Erie.....	79,920	20,757	74.0	7.5
Fonda, Johnstown and Gloversville.....	3,767	723	80.8	3.5
Genesee and Wyoming.....	619	87	86.9	4.8
Greenwich and Johnsonville.....	3,025	980	67.3	5.6
Lehigh and Hudson River.....	2,490	746	69.9	4.9
Lehigh and New England.....	313	124	60.4	9.7
Lehigh Valley.....	31,879	12,812	59.8	1.3
Long Island.....	28,600	8,530	78.0	2.8
Lowville and Beaver River.....	2,753	1,074	61.0	7.4
Michigan Central.....	12,310	6,395	48.1	23.0
Middletown and Unionville.....	2,790	1,766	36.6	21.7
New York Central (Lines east of Buffalo).....	292,582	62,146	78.8	6.7
New York Central (Lines west of Buffalo).....	14,799	8,940	39.6	20.5
New York, Chicago and St. Louis.....	2,189	1,283	41.4	24.9
New York, New Haven and Hartford.....	60,596	10,885	82.0	3.8
New York, Ontario and Western.....	23,374	5,239	76.6	5.2

Passenger Train Movements (concluded)

Railroad	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported
New York and Pennsylvania.....	1,160	328	71.7	17.2
New York, Westchester and Boston.....	76,916	519	99.3	.1
Norwood and St. Lawrence.....	2,747	532	80.6	4.7
Pennsylvania.....	14,079	3,610	74.4	10.8
Pittsburg, Shawmut and Northern.....	4,479	703	84.3	2.9
Rutland.....	4,367	1,641	62.4	15.1
Schoharie Valley.....	1,858	187	89.9	3.4
Ulster and Delaware.....	3,799	820	78.4	5.7
Unadilla Valley.....	1,460	69	95.3	1.2
*Wellsville and Buffalo.....	492	275	44.1	18.9

* Discontinued November, 1916.

Comparative Table of Passenger Train Movements

Railroad	Year ended June 30, 1914				Year ended June 30, 1915			
	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported	Number trains reported	Number trains late	Per cent trains on time	Average minutes late per train reported
Boston and Albany	14,337	2,046	86	4.4	13,206	1,276	90	2.1
Boston and Maine	15,295	3,924	74	6.6	14,353	3,626	75	5.5
Buffalo, Rochester and Pittsburgh	15,030	3,924	73	6.5	13,926	1,960	90	2.0
Delaware and Hudson	62,200	12,448	80	5.4	59,969	5,193	90	2.5
Delaware, Lackawanna and Western	20,049	3,156	84	4.1	19,443	2,911	86	3.9
Erie	55,320	15,342	82	5.6	51,533	8,937	89	2.4
Lehigh Valley	28,121	5,732	79	7.4	29,207	5,672	80	5.9
Long Island	37,967	6,471	83	2.6	37,110	5,665	85	2.4
New York Central (lines east)	311,324	55,290	82	5.3	287,861	34,893	88	2.8
New York, New Haven and Hartford	63,157	6,999	89	2.2	59,069	4,339	93	1.2
New York, Ontario and Western	21,848	5,464	75	6.5	21,179	3,868	82	4.0
Pennsylvania	12,873	3,618	72	11.1	14,586	1,816	88	5.4
Rutland	4,925	1,139	77	12.6	4,363	940	78	9.6
Year ended June 30, 1917								
Boston and Albany	12,808	2,577	80	6.6	13,939	3,490	73	8.7
Boston and Maine	14,528	5,116	66	8.7	13,858	5,514	60	9.7
Buffalo, Rochester and Pittsburgh	13,538	2,922	78	4.9	13,955	3,531	75	6.1
Delaware and Hudson	58,861	7,515	87	3.3	56,086	12,350	78	6.3
Delaware, Lackawanna and Western	18,376	3,124	83	4.2	18,314	3,308	82	4.4
Erie	79,852	15,798	80	6.1	79,920	20,757	74	7.5
Lehigh Valley	31,657	8,706	73	7.6	31,879	12,812	60	1.3
Long Island	37,684	7,645	80	3.0	38,600	8,530	78	2.8
New York Central (lines east)	290,995	43,713	86	4.0	292,533	62,146	79	6.7
New York, New Haven and Hartford	59,013	8,530	86	3.9	60,598	10,885	82	3.8
New York, Ontario and Western	22,013	4,841	78	5.2	22,374	5,239	77	5.2
Pennsylvania	14,693	2,469	83	5.7	14,679	3,610	74	10.8
Rutland	4,293	1,115	75	8.0	4,367	1,641	62	15.1

xxxviii PUBLIC SERVICE COMMISSION, SECOND DISTRICT

Accidents: The following table summarizes the accidents which have occurred and which are directly attributable to the operation of the railroads. It does not include industrial accidents such as occur in shops, roundhouses, repair yards, etc.

	1913-14	1914-15	1915-16	1916-17
Number of accidents.....	6,249	4,988	5,323	6,149
Passengers killed.....	14	9	13	15
Passengers injured.....	956	833	528	435
Persons carried under contract, killed.....				*.....
Persons carried under contract, injured.....				* 29
Employees killed.....	197	142	160	226
Employees injured.....	3,031	2,144	2,468	3,211
Trespassers killed.....	344	333	375	364
Trespassers injured.....	353	382	284	250
Non-trespassers killed.....	143	103	120	137
Non-trespassers injured.....	666	506	304	407
Total number killed.....	698	587	668	742
Total number injured.....	5,006	3,865	3,584	4,332

* Persons carried under contract were heretofore classified as passengers.

There has been another advance in the number of accidents occurring annually, without doubt due to the increased volume of traffic. A classification of these accidents as to cause is given in Appendix C, from which the following general summary has been taken and made comparable with preceding years:

	1914-15	1915-16	1916-17
Accidents occurring while on trains, not resulting from an accident to a train.....	2,236	2,393	2,835
Accidents occurring while on tracks or adjacent thereto, either from contact with trains or from other causes.....	1,610	1,221	1,529
Derailments of passenger trains.....	82	113	105
Derailments of freight trains.....	732	1,055	1,066
Butting collisions between passenger trains and freight trains...	1	4	3
Butting collisions between freight trains.....	14	45	21
Rear-end collisions between passenger trains.....	4	6	5
Rear-end collisions between passenger trains and freight trains.	4	13	11
Rear-end collisions between freight trains.....	56	109	122
Side collisions between passenger trains.....	1	1	4
Side collisions between passenger trains and freight trains.....	4	7	12
Side collisions between freight trains.....	56	92	90

The number of passengers killed during the year has increased, but as will be seen by the following table which outlines the various causes of the fatalities, only one death resulted from a train accident:

Falling from trains.....	2
Getting on or off trains while in motion.....	7
Striking switchstand while on step of car.....	1
Struck while on track.....	3
Alighting from one train directly in front of another.....	1
Collision between a train and an electric car due to carelessness of crew on electric car..	*1

* Passenger on the electric car.

It will be noted that in nearly every case the fatality was due to the carelessness of the passenger involved, and that no passenger on a steam railroad lost his life because of a train accident.

The grade crossing problem continues to be as serious as heretofore, notwithstanding the many active campaigns which have been undertaken by various organizations through the State. The number of accidents in which automobiles have been involved has increased over 100%, the increase occurring notably at the unprotected crossings. A careful study has been made of the accidents as they have been reported, although it has not been physically possible to investigate all of the accidents which have occurred. Many instances of machines stalling on crossings have occurred, and this accounts partly for the relatively smaller number of casualties. It has also been noted that there have been a number of cases in which automobiles have collided with the sides of trains. The grade crossing continues to be a menace, but the solution seems to be still far removed. The difficulties of elimination are apparent, the cost of protective devices of an automatic nature is said by many of the corporations to be prohibitive while others claim the devices are inefficient, and protection by flagmen and gates does not seem to be reasonable at this time when demands for labor involving the existence of the railroads are so great. Attempts have been made to secure the coöperation of local authorities in the establishment of advance signs, but they have not been entirely successful. Some of the officials whose duty it is to protect the crossings believe that this type of device is more effective than an automatic device located directly at the crossing, and some go even so far as to consider it better than a flagman. The Commission is not satisfied that either conclusion is correct, nor is it in a definite position to state that the contrary is true. Each individual instance appears to present a separate problem, and it does not seem to be wise to attempt to settle this question by laying down a definite principle to be applied literally in each case. A careful examination of these tables will reveal much interesting data as respects the results of grade crossing accidents.

Accidents to vehicles at grade crossings

	1915-16				1916-17			
	Auto-mobiles		Other vehicles		Auto-mobiles		Other vehicles	
Unprotected crossings.....	37		68		82		72	
Protected by bells.....	15		21		25		19	
Protected by flagmen.....	17		13		36		25	
Protected by gates.....	9		18		14		11	
Totals.....	78		120		157		127	
Unprotected crossings.....	37		68		82		72	
Protected crossings.....	41		52		75		55	
	K.	I.	K.	I.	K.	I.	K.	I.
Unprotected crossings.....	20	27	22	48	31	73	20	43
Protected by bells.....	7	14	11	9	8	19	5	9
Protected by flagmen.....	..	26	1	7	3	24	5	26
Protected by gates.....	2	5	1	8	1	9	..	11
Totals.....	29	72	35	72	43	125	30	89
Unprotected crossings.....	20	27	22	48	31	73	20	43
Protected crossings.....	9	45	13	24	12	52	10	46

	Pedestrians		Vehicles	
	1915-16	1916-17	1915-16	1916-17
Unprotected crossings.....	23	32	105	154
Protected by bells.....	7	7	36	44
Protected by flagmen.....	22	27	30	61
Protected by gates.....	25	30	27	25
Totals.....	77	96	198	284
Unprotected crossings.....	23	32	105	154
Protected crossings.....	54	64	93	130

	Pedestrians				Vehicles			
	1915-16		1916-17		1915-16		1916-17	
	K.	I.	K.	I.	K.	I.	K.	I.
Unprotected crossings.....	13	12	22	11	42	75	51	116
Protected by bells.....	3	4	3	6	18	23	13	28
Protected by flagmen.....	10	15	12	15	1	33	8	50
Protected by gates.....	16	12	16	14	3	13	1	20
Totals.....	42	43	53	46	64	144	73	214
Unprotected crossings.....	13	12	22	11	42	75	51	116
Protected crossings.....	29	31	31	35	22	69	22	98

	1915-16	1916-17
Total killed.....	106	126
Total injured.....	187	260

Accidents have been investigated to as great an extent as has been possible with the available force. The necessity for an employee who can devote his whole time to the investigation of accidents exists this year to an even greater degree than last year, and provision should be made for at least one employee of this character.

SUBDIVISION 8

REPORT OF DIVISION OF ELECTRIC RAILROADS

At the beginning of the year there were seventy-two operating electric railroad corporations reporting to this Commission. During the year the receivers of the Syracuse and South Bay Electric Railroad Company and the Syracuse, Watertown and St. Lawrence River Railroad Company were discharged and the companies reorganized under the name of the Syracuse Northern Electric Railway Company. The receivers of the Empire United Railways were discharged and the companies formerly known as the Syracuse, Lake Shore and Northern and the Auburn and Northern Electric Railroad were reorganized under the name of Empire State Railroad Corporation. The Rochester, Syracuse and Eastern Railroad was taken out of the hands of the receivers and reorganized as the Rochester and Syracuse Railroad Company. The Catskill Traction Company operating from Catskill Landing, through the village of Catskill to Leeds, a distance of 5.5 miles has discontinued operation. The result of reorganization and abandonment has reduced the number of operating electric railway corporations at the close of the year to seventy.

The following statement shows the number of miles of road, miles of single track and number of passenger cars available for service as of June 30th, for nine years ended 1916, also a comparison of the above items for 1916 and 1915:

Year ended June 30	Number miles of road	Number miles of single track	Number passenger cars available for service
1908.....	1,657.75	2,148.39	¹ 3,759
1909.....	1,807.86	2,427.50	¹ 3,759
1910.....	1,871.57	2,612.56	3,388
1911.....	1,908.51	2,740.64	3,485
1912.....	1,942.74	2,796.39	3,710
1913.....	1,995.49	2,920.42	4,095
1914.....	1,995.40	2,939.95	4,205
1915.....	¹ 2,026.67	3,010.51	4,198
1916.....	2,026.90	3,012.87	4,099
Year 1916 compared with 1908.....	369.15	864.48	340
Per cent of increase or decrease.....	22.3	40.2	9.1
Year 1916 compared with 1915.....	.23	2.36	¹ 99
Per cent of increase or decrease.....	.0	.0	¹ 2.4

¹ Increase in miles of road in 1915 was caused by the electrification of the Jamestown, Westfield and Northwestern railroad and Niagara Junction railroad.
¹ Number of cars owned or leased.
¹ Prefixed to figure indicates a decrease.

The above shows that between the years 1908 and 1915 there was an increase in single track mileage of electrically operated

railroads of 862.12. During the year ended June 30, 1916, there was a further increase of 2.36 miles, making a total single track mileage as of June 30th 3012.87 miles. The total per cent of increased single track mileage 1908 to 1916 was 40.2 per cent. This seems to indicate a considerable extension of trackage on electric railroads, but a material portion of it represents electrification of steam railroads.

The above statement shows an increase in the number of passenger cars available for service, 1916 compared with 1908, of 340, or 9.1 per cent. The total number available for service on June 30, 1916, was 4099. The year 1916 compared with 1915 shows a decrease of 99 cars. This decrease represents in most cases the retirement of obsolete equipment, but these figures do not represent the maximum number of cars during the year 1916 as they are of June 30th, and a number of cars which had been ordered by the different companies were received after that date. As far as service is concerned, the number of cars owned does not fully represent the number of seats available, as nearly all of the new cars ordered have an increased seating capacity.

Power: Nearly all of the operating companies have at present a sufficient and reliable power supply for maximum requirements of traffic including heating and lighting of cars.

In view of the efforts now being made toward conservation of coal, an analysis of the power bought, generated by water or by coal, by each operating company is being compiled from which comparisons of the economic use of coal by the different companies can be made. This will be completed in the near future.

Inspections: During this year more than the usual number of electric railways have been inspected in detail and reports on such inspections submitted. The names of these follow:

Babylon Railroad
Black River Traction
Buffalo and Lake Erie Traction
Buffalo Southern Railway
Catakill Traction
Chautauqua Traction
Empire State Railroad
Fonda, Johnstown and Gloversville Railroad
Glen Cove Railroad
Huntington Railroad
International Railway
Jamestown, Westfield and Northwestern

Long Island Electric Railway
Nassau County Railway
New York and Long Island Traction
New York and North Shore Traction
Niagara Gorge Railroad
Northport Traction
Port Jervis Traction
Rochester and Syracuse Railroad
Southern New York Power and Railway
Suffolk County Traction
Syracuse Northern Electric Railway
Western New York and Pennsylvania Traction

In addition, the physical condition of roadbed, structures, track, and equipment was observed while riding over electric railways in the investigation of complaints and accidents and in the performance of other duties. While a detailed report of roads observed in this manner was not made where improvements were necessary, they were called to the attention of the company officials, and as far as safety is concerned these inspections were equivalent to the detailed ones on which reports were made. Physical properties were examined in this manner on the following roads:

Albany Southern Railroad
Auburn and Syracuse Electric Railroad
Binghamton Railway
Buffalo and Williamsville Electric
Elmira, Corning and Waverly
Elmira Water, Light and Railroad
New York and Stamford Railroad

Penn Yan & Lake Shore
Poughkeepsie and Wappingers Falls Ry.
Rochester & Manitou Railroad
Schenectady Railway
United Traction Company
Westchester Electric Railroad
Westchester Street Railroad

Apart from the knowledge of the physical condition of electric railway properties obtained through inspections, the chief of the electric railway division has been advised of replacements and betterments on all electric railways in this Public Service District. The continued rate of annual inspections is considered sufficient to insure safe physical conditions on all of them.

Notwithstanding the fact that labor and material costs have made material advancements during the past year, in nearly all cases a proper standard of maintenance of roadbed, structures, track, and equipment is being maintained; on some properties considerable improvement in the physical condition has been made, increasing the safety of operation. With one exception the recommendations for improvement in physical conditions and service resulting from inspections have been complied with by the different corporations; in the one exception it was necessary for the Commission to exercise its authority to compel compliance with recommendations. As an indication of the general physical condition of electric railways, it may be said that during the year there was no derailment on any interurban railway due to defective track maintenance. There was no bridge or trestle failure.

The Schenectady Railway Company on its Albany-Schenectady division has installed a track circuit control semaphore block

signal system. The Chautauqua Traction Company has installed a cab indication automatic control signal system. The Jamestown, Westfield and Northwestern Railroad Company has changed a trolley contact signal system to a sectionalized track circuit system. The Auburn and Syracuse in part, and the Syracuse and Suburban, have been equipped with trolley contact light signal systems.

Complaints: At the beginning of the year there were under investigation and open on the records in this office 12 complaints, classified as correspondence complaints, against electric railways. During the year there were 96 such complaints investigated by the electric railway department. There are 14 complaints at present open which are being investigated. In the case of a number of them the investigations have been completed but improvements under way require their being continued active on the records until these are completed. In addition to the correspondence complaints, all of which the electric railway department investigates, considerable work was done in formal cases on which hearings were held by the Commission.

Accidents: The following statement shows the number of collisions between cars while operating on interurban divisions and persons killed or injured for the year ended December 31, 1917:

Name of corporation	Number of collisions	Number killed	Number injured
Buffalo and Lake Erie Traction.....	2	1	15
Chautauqua Traction.....	2	.....	9
Elmira, Corning and Waverly Railway.....	1	.....	7
Empire State Railroad.....	1	.....	1
Hornell Traction.....	1	.....	20
Schenectady Railway.....	1	.....	6
Southern New York Power and Railway.....	1	.....	7
Western New York and Pennsylvania.....	3	.....	6
Totals.....	12	1	81

The following statement shows the number of derailments that have occurred during the year on the interurban divisions of electric railways:

Name of corporation	Number of derailments	Number killed	Number injured
Buffalo, Lockport and Rochester.....	1	.....	.....
Empire State Railroad.....	1	.....	3
Fonda, Johnstown and Gloversville.....	1	.....	.....
New York State Rys. (Charlotte).....	1	.....	3
Southern N. Y. Power and Railwa.....	2	.....	.....
Totals.....	6	.....	6

The following collisions between electric cars and automobiles at grade crossings of highways outside of cities and villages occurred in this district during the past year:

Name of corporation	Number collisions	Number killed	Number injured
Buffalo, Lockport and Rochester.....	1	.....	1
New York State Railways.....	5	1	8
Rochester and Syracuse Railroad.....	5	4	8
Totals.....	11	5	17

Table showing the number of persons killed and nature of accidents that occurred on city divisions for the year ended December 31, 1917:

Name of corporation	Collisions of cars		Alight- ing	Derail- ment	Struck by car	Riding on fender	Total
	With cars	With vehicles					
Buffalo and Lake Erie.....	4	.....	.....	.....	.....	4
Jamestown St. Railway.....	1	.....	.....	.....	1	.....	2
International Railway.....	2	.....	.....	20	.....	22
United Traction Co.....	2	.....	.....	1	.....	3
Hudson Valley Railway.....	1	.....	.....	.....	.....	1
N. Y. State Railways.....	1	1	4	1	7
Empire State Railroad.....	1	.....	1
N. Y. and Stamford.....	1	.....	1
N. Y. and L. I. Tract.....	1	.....	1
Western N. Y. and Penna. Trac.....	1	.....	1
Totals.....	1	9	1	1	30	1	43

The following table shows the number of persons killed and nature of accidents that occurred on interurban divisions for the year ended December 31, 1917:

Name of corporation	Collision		Boarding and alighting	Struck by car	Total
	Of cars	With vehicles			
Buffalo and Lake Erie Tr.....	1	1	.....	.....	2
N. Y. State Railways.....	1	.....	1	2
Roch. and Syracuse R. R.....	3	.....	4	7
Schenectady Railway.....	2	.....	3	5
Empire State Railroad.....	1	2	3
Penn Yan & Lake Shore.....	1	.....	1
Westchester Elec. R. R.....	1	.....	1
Hudson Valley.....	1	1
Syracuse No. Elec Ry.....	1	1
West. N. Y. and Penna. Tr.....	1	1
Jamestown St. Railway.....	1	1
Syracuse and Sub. R. R.....	1	1
Totals.....	1	7	3	15	26

The following table shows the number of persons injured while being transported, on both urban and interurban electric railways for the past year:

Name of company	Cut hand on broken glass	Thrown in car	Fall of trolley pole from car	Fall of controller	Controller caught fire	Caught hand in door	Total number passengers injured
Int. Ry. Co.....	1	.....	.....	.....	.....	.....	1
N. Y. State Rys.....	.....	16	11	1	5	.....	33
United Traction.....	.....	.....	16	.....	.....	1	17
Totals.....	1	16	27	1	5	1	51

The above record of killed and injured for the past year is a continuation of the demonstration made by records of former years that the conveniences afforded by the electric railroads are attended with serious results in fatality and injury not only to passengers but other persons using the streets through which cars are operated. The number injured in transportation indicates that improvements in equipment and its maintenance could be made which would reduce this class of injury. The number of collisions, which fortunately resulted in only one death on interurban railroads, is an object lesson to operating officials for the necessity of the extended use of block signal systems and improved methods of operation. Six derailments on all of the interurban railroads in this Public Service District none of which was directly attributable to imperfect track indicate a high standard of maintenance generally.

The above also demonstrates the fact that the grade crossing of electric railroads is continuing as a danger point in the operation of automobiles. While the table only shows 5 persons killed and 17 injured these are the results of operation only outside of corporate limits. These deaths and injuries emphasize the importance of the movement undertaken by the automobile associations and the street railroad corporations for improving safety of operation at these points, of which there are 893 in this Public Service District.

During the year a serious accident occurred on the Niagara Gorge Railroad. July 1st a southbound open car carrying approximately 57 passengers left the rails and went down a nineteen-foot bank into the river. Twelve passengers were killed or

drowned. This accident was the result of a retaining wall failure. The wall in question was a dry wall. Continuous rain-falls had supersaturated the filling behind the wall, this being of a shale composition, which resulted in its becoming a semi-liquid which exerted a pressure on the wall sufficient to cause it to go out. While frequent inspections of this railroad have been made in the past which assured that the walls were being properly maintained, this accident demonstrated that the type of wall in general use along the river bank might under extraordinary conditions prove as in this case to be of improper design. Since this occurrence the type of construction for retaining wall has been agreed upon and the company has accepted the Commission's recommendation that all retaining walls should be of masonry construction where proper foundations can be obtained. Compliance with the Commission's recommendation in this respect will materially add to the safety of operation on this road as far as river bank is concerned.

Investigations: In accordance with directions of the Commission, this department made an investigation of the service furnished and traffic requirements in the city of Buffalo. A detailed examination of all phases of service was made. It covered a period of three months. The time of the chief of the electric railway division and his assistant was almost exclusively devoted to this matter during that period. It was found that insufficient and unsatisfactory service was furnished last Winter. To remedy these conditions, 46 recommendations were made. These were presented to the company by the Commission, and after several conferences all of them were accepted by the company. The company had ordered 100 new cars; at this time they have only received from the manufacturers 50 of them. Proper service requires the use of all of the cars ordered. It is to be regretted that these cars are not all to be in service during the coming Winter but the company can not properly be censured for this failure as delay in receiving cars ordered has been experienced by several other companies under similar conditions. Notwithstanding this fact, the improvements resulting from the company's compliance with the Commission's recommendations including additional snow-plows, sweepers, power, and changes in methods of operation, have bettered the service since last Winter.

Such investigations on a smaller scale have been made of service in several other cities in this Public Service District, including Binghamton, Rochester, Utica, Watertown, Oswego, Port Jervis, Elmira, and also on a number of interurban railroads.

Operation: The following statement gives some of the important items of the results of operation for the years mentioned.

Statement of the Number of Active Car-miles, Total Passengers Carried, Operating Revenues and Expenses, with Net Corporate Income for Nine Years Ended June 30, 1917

Year Ended June 30	Total number car-miles	Number revenue and transfer passengers carried	Railway operating revenues ¹	Railway operating expenses	Net corporate income
1908.....	85,446,000	448,846,000	\$21,617,000	\$14,333,000	\$2,229,000
1909.....	86,144,000	462,456,000	22,354,000	14,844,000	2,532,000
1910.....	93,557,000	499,357,000	24,917,000	15,977,000	3,232,000
1911.....	96,474,000	542,695,000	27,041,000	16,796,000	4,294,000
1912.....	97,894,000	575,431,000	28,010,000	17,827,000	4,174,000
1913.....	102,197,000	600,956,000	30,234,000	19,456,000	2,055,000
1914.....	106,177,000	632,902,000	32,062,000	20,741,000	1,737,000
1915.....	102,517,000	608,471,000	31,127,000	20,228,000	933,000
1916.....	104,878,000	643,472,000	32,668,000	21,318,000	1,607,000
Year 1916 compared with 1908.....	19,432,000	194,626,000	11,051,000	6,985,000	¹ 622,000
Per cent of increase or decrease.....	22.7	43.4	51.1	48.8	¹ 27.9
Year 1916 compared with 1915.....	2,361,000	35,001,000	1,541,000	1,090,000	674,000
Per cent of increase or decrease.....	2.3	5.7	4.9	5.4	72.2

¹ Prefixed to figure indicates a decrease.
² Passenger revenue only.

The foregoing table shows the results of operation on all electrically operated railroads in this Public Service District, including interurban, except the electrified portions of the New York Central, the Erie, and Long Island railroads. This shows that there was an increase in the number of passengers carried in 1916 compared with 1908 of 194,626,000, or 43.4 per cent. This increase has been continuous during the different years except in 1915 when there was a decrease. The number of passengers carried in 1916 compared with 1915 shows an increase of 35,001,000, or 5.7 per cent.

The number of active car-miles operated in 1916 compared with 1908 shows an increase of 19,432,000, or 22.7 per cent. During the year 1916 there was an increase of 2,361,000, or 2.3 per cent compared with 1915.

The railway operating revenue increased in 1916, compared with 1908, \$11,051,000, or 51.1 per cent. The operating revenue

of 1916 was \$1,541,000, or 4.9 per cent greater than in 1915. The operating expenses increased from 1908 to 1916, \$6,985,000, or 48.8 per cent. During 1916 the operating expenses were \$1,090,000, or 5.4 per cent greater than in 1915. During the nine years ended June 30, 1916, the operating revenues increased 51.1 per cent; the operating expenses 48.8 per cent. During the year ended June 30, 1916, the operating revenue increased 4.9 per cent; the operating expenses 5.4 per cent.

For the year ended June 30, 1916, the net corporate income was reduced from \$2,229,000 in 1908 to \$1,607,000, a reduction of \$622,000, or 27.9 per cent. During the year 1916 the net corporate income increased \$674,000, or 72.2 per cent compared with the previous year. General business depression during the year 1915 was reflected in decreased net corporate income of \$933,000 compared with \$2,055,000 in 1913, a decrease of \$1,120,000, or 54.6 per cent. This was a serious blow to the financial prosperity of the companies, and while there was a material percentage increase in 1916 over 1915, the total net revenue decreased between 1913 and June 30, 1916, 21.8 per cent, showing that they have not entirely recovered from the serious financial losses of 1915.

Application for Increased Fares: The electric railway situation in this Public Service District has during the past year and is at present receiving unusual attention by the Commission in the matter of increased rates of passenger fares. At the beginning of the year thirty-three electric railways made application for increase in passenger fare; nine of these applications have been approved and granted. Hearings are in order for the presentation of facts and evidence in the applications of the other twenty-three corporations. Action by the Commission has resulted in the following increases in fares:

<i>Case No.</i>	<i>Company</i>	<i>Fare increases</i>
6083....	Hornell Traction.....	5c to 6c
6084....	Hudson River and East. Tr.....	Cash fare 5c to 7c, 4 tickets 25c; school tickets 2.5c to 3.5c
6086....	Huntington Railroad.....	5c to 6c zones
6087....	Ithaca Traction Corp.....	5c to 6c
6091....	Northport Traction.....	5c to 6c
6093....	Orange County Tr.....	5c to 6c
6094....	Peekskill Lighting and R.R.....	5c to 7c cash fare, 4 tickets for 25c; discontinue use of transfers with Putnam and Westchester.
6096....	Putnam and Westchester Tr.....	5c to 7c cash fare, 4 tickets for 25c; discontinue use of transfers with Peekskill Lt. and R.R.; zone from village of Peekskill to Williams Mills only.

Organization: The force employed in this department and the personnel have remained the same this year as last, namely, the chief of the division and one assistant. The services of one stenographer are devoted to the work of this department. While this is a comparatively small organization to do the work necessary in connection with the supervision and regulation of electric railroad operation on the part of the Commission, all of the inspections necessary are being made and complaints investigated with reasonable despatch.

SUBDIVISION 9

REPORT OF DIVISION OF GRADE CROSSINGS

The cost of constructional work, due largely to the demands of the Federal Government in the prosecution of the war, has increased to such a point that activity in the elimination of grade crossings so marked in preceding years has ceased to a considerable extent. For the reason, generally speaking, that it is impossible to carry on work of this character without some effect upon the operation of trains, and in view of the attitude of the Council of National Defense which has requested that all construction not absolutely essential for the maintenance and uninterrupted operation of the railroads be deferred for the period of the war, the Commission has not insisted that certain work heretofore ordered to be done should be prosecuted at the present time; nor has it ordered new work to such an extent as would have been the case under conditions less exceptional. Nevertheless, work by no means has been entirely suspended and active operations are now going forward at various points.

Through its appropriation of \$250,000 to carry on the work of separation of grades at crossings, the Legislature of 1917 made it possible for the Commission to make determinations in several urgent cases, then pending, but for reasons heretofore stated, coupled with the inability both of railroads and contractors to secure not only the requisite labor and materials but also cars for transportation, it has been the policy of the Commission to order no more new work of this character than absolutely necessary and essential until the restoration to normal of industrial conditions.

While the Commission has made numerous orders for grade crossing work during the year, as shown by the following tables Nos. I and II, such orders have been largely in proceedings in which the State by agreement between the parties bears no share in the cost, or in which the State's portion of the cost is paid from highway and not from grade crossing funds. Additional orders issued have been in the nature of modifications of orders previously made.

Orders for the elimination of grade crossings made during the year :

TABLE I

Case No.	Railroad	Locality
2730	Delaware, Lackawanna & Western.....	City of Ithaca
4855	New York Central.....	Town of Camillus
4887	Erie.....	City of Jamestown
4965	New York Central.....	City of Watertown
5605	Erie.....	Town of Springwater
5622	Pennsylvania.....	City of Olean
5660	Delaware & Hudson Co.....	Town of Cobleskill
5755	Syracuse, Binghamton & New York (D., L. & W.).....	Towns of Lafayette and Fabius
5788	Delaware, Lackawanna & Western.....	Town of Pavilion
5981	New York Central.....	Cities of Tonawanda and North Tonawanda
*5991	Buffalo, Rochester & Pittsburgh.....	Town of Great Valley

* Change in location of a crossing.

Orders for the modification of orders previously made:

TABLE II

Case No.	Railroad	Locality
156	New York Central.....	City of White Plains
2916	New York Central.....	Town of Lewiston
3778	New York Central.....	City of Ogdensburg
4108	New York Central.....	Town of Remsen
5755	Syracuse, Binghamton and New York (D., L. & W.).....	Towns of Lafayette and Fabius

In addition to the above, the Commission has made two determinations for the reconstruction of existing structures carrying highway traffic either over or under railroads, namely case No. 4643, at Blue Point avenue, in the town of Brookhaven, where an existing undergrade crossing of the Long Island railroad is to be reconstructed; and in case No. 5608, in the town of Lewiston, where the so called "Devil's Hole" overgrade crossing of the New York Central railroad is to be supplanted by a new structure.

Further orders made during the year related to new highways crossing existing railroads, in accordance with section 90 of the Railroad Law, and new railroads crossing existing highways, in accordance with section 89 of the Railroad Law. These orders are set forth in Tables III and IV, respectively.

Orders made in cases where new highways cross existing railroads, in accordance with section 90 of the Railroad Law:

TABLE III

Case No.	Railroad	Locality
5695	New York Central.....	Town of Altamont (Tupper Lake Jc.)
*5773	New York Central.....	Town of Greece, four streets
*5814	New York Central.....	City of Rome, Fifth Street extension
†6018	Buffalo, Rochester and Pittsburgh.....	City of Buffalo, Hopkins street
6044	Delaware, Lackawanna and Western.....	Town of Corning, Henderson street
6211	New York Central.....	Town of Pitcairn, new highway

* Crossings of industrial tracks only.
† An existing grade crossing will be eliminated by the construction of the crossing on the new street, so that there is no net increase in the number of grade crossings.

Orders made in cases where new railroads cross existing highways, in accordance with section 89 of the Railroad Law:

TABLE IV

Case No.	Railroad	Locality
6026	Lehigh Valley.....	Town and village of Caledonia
6027	Lehigh Valley.....	Towns of Alden and Lancaster and village of Caledonia
6028	Lehigh Valley.....	Town of Farmington
6029	Lehigh Valley.....	Town of Darien

Progress in work heretofore authorized was made during the year at many points, a brief resumé of such work being as follows:

Case No. 254, city of Mount Vernon, New York Central railroad: the construction of a reinforced concrete viaduct over the tracks of the New York Central has been started and is well under way.

Case No. 774: the undergrade crossing of the New York Central railroad at Bronxville has been completed.

Case No. 1519, city of Jamestown, Erie railroad: very slow progress has been made at this point, the work performed consisting almost entirely in the construction of walls necessary to retain the new elevated grade of the railroad.

Case No. 432, Elmwood avenue, city of Buffalo, Delaware, Lackawanna and Western railroad: work practically completed.

Case No. 2805, Harlem Avenue crossings of the Delaware, Lackawanna and Western, Erie, and Lehigh Valley railroads: the abutments and all of the piers are about completed; the large part

of the embankment is in place; steel for the superstructure is on the ground.

Case No. 3778, city of Ogdensburg, New York Central railroad: with the exception of paving one approach and other work of minor character on the concrete arch viaduct at this point, the work is completed.

Case No. 3211, town of Lloyd (Whittley's crossing), Central New England railway: an old, abandoned trestle belonging to an electric railroad company which formerly prevented the completion of the improvement at this point has been removed and the work is now finished.

Case No. 3604, towns of Caneadea and Belfast, Pennsylvania railroad: this work has been completed.

Case No. 5242, town of Bainbridge, The Delaware and Hudson Company: the undergrade crossing has been completed and is in use.

Case No. 4108, town of Remsen, New York Central railroad: with the exception of a new highway on one side of the railroad which is to be constructed by the town, this work is entirely completed.

Case No. 4485, The Delaware and Hudson Company's railroad, main line, town of Ballston: the undergrade crossing at this point has been completed.

Case No. 4486, The Delaware and Hudson Company's railroad, branch line, town of Ballston: the undergrade crossing at this point has been completed.

Case No. 4473, town of Mamakating, New York, Ontario and Western railway: the undergrade crossing at this point and the new state highway have been completed.

Case No. 5076, village of Scarsdale, New York Central railroad: the reconstruction of an existing overgrade crossing at this point, with the exception of the permanent pavement on the structure, has been completed.

Case No. 5236, village of New Paltz, Wallkill Valley railroad: a new bridge over the creek and all the embankment are in place, but the pavement has not yet been laid.

Case No. 5244, town of Southampton, Long Island railroad: a new undergrade crossing has been completed.

Case No. 5329, city of Kingston, West Shore railroad: this work has been completed.

Case No. 5118, city of Poughkeepsie, Central New England railway: the new bridges replacing the old and unsafe structures are in place and the work is practically done.

Case No. 5438, town of Canisteo, Erie railroad: while the two grade crossings involved in this case are still open, the work necessary for their elimination is nearing completion.

Case No. 5564, town of York, Delaware, Lackawanna and Western railroad: the new highway necessary has been constructed and the old grade crossing closed.

Case No. 5005, city of Rochester, New York Central railroad and Buffalo, Rochester and Pittsburgh railway: the city is now engaged in the acquisition of the necessary lands; contracts for the manufacture of the steel have been let.

Case No. 5687, town of Esperance, The Delaware and Hudson Company's railroad: an undergrade crossing necessary for the closing of two former grade crossings has been entirely completed.

Case No. 5755, towns of Lafayette and Fabius, Delaware, Lackawanna and Western railroad: in the town of Fabius some masonry for the overgrade crossing has been placed; in the town of Lafayette, false work for the undergrade crossing has been driven.

Case No. 5622, city of Olean, Pennsylvania railroad: the new undergrade crossing at Queen street is completed.

As heretofore reported, the work at Bronxville is now practically completed, and thus all of the grade crossings on that part of the New York Central railroad operated electrically, and commonly known as the "Electric Zone," have been abolished, with the sole exception of two crossings at Tarrytown, one crossing (Fleetwood avenue) at Mount Vernon, and one crossing (Tibbetts avenue) at White Plains. Work is now under way for the elimination of the Fleetwood Avenue crossing in Mount Vernon, and the Commission has recently made an order for the elimination of the Tibbetts Avenue crossing in the city of White Plains. In the matter of crossings at Tarrytown, application for the elimination of which is pending, the Commission held numerous hear-

ings and conferences for the purpose of finding the best solution of the problem. A plan which commended itself to the Commission and was favored by the railroad company and the village was finally evolved; and in order to safeguard the State against excessive land and damage costs, the Commission desired the village and railroad company to stipulate that the State should assume no liability in excess of the estimated amount of such land and damage cost which under the statute it would be called upon to bear, and that all land and damage costs in excess of such estimated sum should be borne either by the railroad company or the Village of Tarrytown, or jointly by the railroad company and the Village of Tarrytown. To this proposition the village would not agree, and no order consequently has been made.

As will be seen by the following table, there are still pending many petitions for the elimination of grade crossings which have not yet been determined. In a few of these cases hearings have been held but no further action at the present time is contemplated.

It is estimated that the cost to the State of carrying out these proposed elimination projects would be about \$1,100,000.

TABLE V

Case No.	Railroad	Municipality	Name of crossing
GC-454	N. Y., O. & W.	Town of Guilford.....	Depot Highway
475	N. Y. C.	City of Kingston.....	3 crossings
539	S. B. & N. Y.	Town of Cortlandville.....	Cortland-Homer Road
648	N. Y. C.	Town of Royalton.....	Long Road Highway
659	N. Y. C.	Town of Claverack.....	Stivers Highway
682	N. Y. C.	City of Newburgh.....	4 streets
157	N. Y. C.	Village of Tarrytown.....	Main and Wildey Sts.
1230	Erie.....	Town of Wallkill.....	Howells Station
1415	N. Y. C.	City of Rochester.....	Lvell Avenue
1711	N. Y. C.	Town of Cheektowaga.....	Union Road
1933	Erie.....	Town of Hinsdale.....	Lincoln Highway
2098	Erie.....	Village of Blooming Grove....	Blooming Grove-Lincoln Highway
2548	Erie.....	Village of Monroe.....	Main Street
2658	D. & H. Co.	Town of Fenton.....	Nowlan Road
2727	L. I.	Town of Brookhaven.....	Port Jefferson-Coman Road
2843	Erie.....	Village of Salamanca.....	Wildwood
2875	N. Y. C.	Village of Cornwall.....	River Rd., Back Rd., and Main St
2936	N. Y., O. & W.	City of Oswego.....	W. Seneca St. (Co. Highway)
3216	N. Y. C.	Town of West Bloomfield....	West Bloomfield & Honeoye Falls
3281	C. N. E.	City of Poughkeepsie.....	Buckingham Avenue
3290	N. Y., O. & W.	City of Middletown.....	Wisner Avenue
3401	L. I.	Town of Oyster Bay.....	Jericho Turnpike
3402	B. & M.	Town of Rotterdam.....	Fort Hunter
3405	L. & H.	Town of Warwick.....	2 crossings at New Milford
3423	N. Y. C.	City of Corning.....	East Poultney and Ontario Streets
3585	L. I.	Town of North Hempstead...	Jericho Turnpike
3610	D., L. & W.	Groveland Station.....	Genesee-Dansville Road
3690	L. V.	Town of Le Roy.....	North and Lake Streets
3943	L. V.	Town of Brighton.....	Penfield Road
4465	L. I.	Town of Southampton.....	Newtown Road
4474	D. & H.	Town of Colonie.....	Shaker-Watervliet, Co. Highway

TABLE V (concluded)

Case No.	Railroad	Municipality	Name of crossing
*4675	Genesee River...	Town of Cuba.....	State Highway No. 5174
4785	U. & D.	Town of Hunter.....	Hunter Turnpike
4981	N. Y. O. & W..	Town of Wallkill.....	Crossing at Mechanictown
5633	D. & H. Co.....	Village of Cobleskill.....	Main Street
5641	D. & H.	Town of Aften.....	Main St. to River Bridge Highway
5851	N. Y. C.	Town of Guilderland.....	Fullers Road
5781	B., R. & P.	Village of Warsaw.....	Perry Center Road
5905	N. Y. C.	City of Kingston.....	Broadway
5906	D. & H.	City of Albany.....	Broadway and Madison Avenue
5945	N. Y. C.	Town of Marcy.....	1.6 mile North of Marcy Station
5984	D., L. & W.	Town of North Dansville.....	Near Village of Dansville
5990	N. Y. C.	City of Yonkers.....	Yonkers Ave. and Tuckahoe Road
6223	Erie.....	Town of Mount Hope.....	Westbrook Road
*6155	N. Y. C.	Town of Camillus.....	County Highway No. 329

* Petitions for reconstruction of existing structures.

A financial statement of grade crossing funds is herewith given:

Total amount appropriated prior to 1912.....	\$2,317,606.92
Less amount lapsed.....	2,945.86
	<hr/>
	\$2,314,661.06
Amount appropriated by Legislature of 1912.....	Nothing
Amount appropriated by Legislature of 1913.....	Nothing
Amount appropriated by Legislature of 1914.....	Nothing
Amount appropriated by Legislature of 1915.....	552,000.00
Amount appropriated by Legislature of 1916.....	175,000.00
Amount appropriated by Legislature of 1917.....	250,000.00
	<hr/>
	\$3,291,661.06
Total amount paid by State Treasurer to December 20, 1917, as State's portion of cost.....	2,431,246.43
	<hr/>
Balance for future work and completion of that already authorized.....	\$860,414.63
Amount segregated and set aside for work ordered.....	563,492.76
	<hr/>
Free balance for future work.....	\$356,921.87

During the year work was finished and grade crossings closed at locations shown in the following table:

TABLE VI

Case No.	Railroad	Municipality	County	Number
774	New York Central.....	Village of Bronxville.....	Westchester.....	1
2685	New York Central.....	Town of Webster.....	Monroe.....	2
3675	New York Central.....	Town of North Salem.....	Westchester.....	1
3778	New York Central.....	City of Ogdensburg.....	St. Lawrence.....	2
4496	D. & H. Company.....	Town of Ballston.....	Saratoga.....	1
5438	Erie.....	Town of Canisteo.....	Steuben.....	2
5664	D., L. & W.	Town of York.....	Livingston.....	1
5622	Pennsylvania.....	City of Olean.....	Cattaraugus.....	1
5687	D. & H. Company.....	Town of Esperance.....	Schoharie.....	2
6106	New York Central.....	Town of Remsen.....	Oneida.....	1
5229	West Shore.....	City of Kingston.....	Ulster.....	1
				<hr/>
				15

Including the fifteen crossings mentioned in the foregoing table, the number of grade crossings thus far eliminated in this State now totals 397.

The Commission has segregated and set aside amounts which it is estimated must be paid by the State in liquidation of its share of work which has been ordered. Some of this work is now under way. In some of these cases partial payments have been made, and the amounts given in the following table show the State's estimated remaining liability:

TABLE VII

Case No.	Railroad	Municipality	Estimated amount
156	New York Central.....	City of White Plains.....	\$39,000.00
277	Erie.....	Town of Warsaw.....	4,000.00
509	D., L. & W. and N.Y., O. & W.	City of Utica.....	2,029.52
774	New York Central.....	Bronxville.....	10,987.55
1519	Erie.....	City of Jamestown.....	100,951.34
1848	Long Island.....	Town of Oyster Bay.....	15,000.00
2072	New York Central.....	Village of Ossining.....	4,055.98
2476	Erie.....	City of Corning.....	5,299.32
2583	New York Central.....	Town of Rhinebeck.....	4,743.54
2730	D., L. & W.....	City of Ithaca.....	12,000.00
2805	D., L. & W., Lehigh Valley and Erie.....	Town of Cheektowaga and Village of Sloan.....	89,518.02
2923	Long Island.....	Town of Brookhaven.....	8,500.37
3778	New York Central.....	City of Ogdensburg.....	8,188.66
4643	Long Island.....	Town of Brookhaven.....	5,500.00
4887	Erie.....	City of Jamestown.....	25,000.00
4965	New York Central.....	City of Watertown.....	65,000.00
5005	N. Y. Central, B., R. & P.	City of Rochester.....	100,000.00
5118	Central New England.....	City of Poughkeepsie.....	2,718.83
5438	Erie.....	Town of Canisteo.....	1,000.00
			\$503,492.76

To indicate at once the distribution of grade crossing funds heretofore expended in total and in percentages of the total among the various counties of the State the following table has been prepared:

TABLE VIII

County	Amount	Percentage
Albany.....	\$150,995.24	6.211
Allegany.....	3,054.93	0.126
Bronx.....	9,720.51	0.400
Broome.....	92,995.04	3.825
Cattaraugus.....	43,395.33	1.785
Cayuga.....	15,164.56	0.623
Chautauqua.....	88,142.64	3.625
Chemung.....	11,867.01	0.488
Chenango.....	4,301.06	0.177
Clinton.....	.....	.....
Columbia.....	12,114.61	0.498
Cortland.....	2,765.86	0.113
Delaware.....	.....	.....
Dutchess.....	29,371.99	1.209
Erie.....	54,121.13	2.226
Essex.....	.....	.....

TABLE VIII (concluded)
County

	Amount	Percentage
Franklin.....	\$88.38	0.004
Fulton.....	.....	.....
Genesee.....	30,263.01	1.245
Greene.....	.....	.....
Hamilton.....	.....	.....
Herkimer.....	2,694.77	0.111
Jefferson.....	12,856.38	0.529
Kings.....	.....	.....
Lewis.....	.....	.....
Livingston.....	1,570.73	0.065
Madison.....	7,138.36	0.293
Monroe.....	133,457.72	5.490
Montgomery.....	7,811.57	0.321
Nassau.....	55,792.07	2.295
New York.....	.....	.....
Niagara.....	27,309.01	1.123
Oneida.....	157,543.51	6.481
Onondaga.....	25,556.39	1.051
Ontario.....	3,131.16	0.129
Orange.....	52,874.54	2.175
Orleans.....	.....	.....
Oswego.....	14,311.03	0.588
Otsego.....	29,687.10	1.221
Putnam.....	3,929.02	0.162
Queens.....	.....	.....
Rensselaer.....	26,141.30	1.075
Richmond.....	.....	.....
Rockland.....	15,347.17	0.631
St. Lawrence.....	11,811.34	0.486
Saratoga.....	.....	.....
Schenectady.....	411,515.52	16.926
Schoharie.....	.....	.....
Schuyler.....	2,296.96	0.094
Seneca.....	.....	.....
Steuben.....	68,410.14	2.814
Suffolk.....	93,090.24	3.829
Sullivan.....	28,585.13	1.176
Tioga.....	.....	.....
Tompkins.....	2,743.48	0.113
Ulster.....	26,408.82	1.086
Warren.....	.....	.....
Washington.....	.....	.....
Wayne.....	2,100.86	0.086
Westchester.....	649,702.06	26.723
Wyoming.....	9,068.75	0.372
Yates.....	.....	.....

Another table showing the distribution of these funds expended among the railroads of the State follows:

Railroad	Miles of road in State	Per cent of total road in State	Miles of track in State	Per cent of total track in State	Amount expended	Per cent of total amount expended
N. Y. C.....	2,820.16	35.89	7,724.00	42.67	\$1,544,655.70	63.53
Erie.....	950.59	12.10	2,062.70	11.39	302,891.63	12.46
D. & H. Co.....	724.42	9.21	1,464.17	8.09	170,698.74	7.02
L. I.....	397.04	5.05	878.00	4.85	148,882.31	6.12
N. Y., O. & W.....	477.80	6.07	848.98	4.69	87,430.57	3.60
D., L. & W.....	493.55	6.28	1,122.30	6.20*	54,495.04	2.24
Penna.....	461.57	5.87	891.19	4.92	31,343.07	1.29
B., R. & P.....	191.52	2.44	385.60	2.13	30,626.42	1.27
B. & M.....	122.53	1.56	286.23	1.58	20,026.55	0.82
U. & D.....	128.88	1.64	162.42	0.90	14,128.96	0.58
N. Y., C. & St. L.....	69.67	0.89	117.64	0.65	11,152.30	0.46
C. N. E.....	209.65	2.67	404.04	2.23	4,882.71	0.20
P., S. & N.....	89.99	1.15	118.80	0.66	3,054.93	0.13
L. V.....	659.04	8.39	1,272.33	7.03	2,743.48	0.11
N. Y., N. H. & H.....	37.27	0.47	322.69	1.78	2,278.35	0.09
L. & H. R.....	25.20	0.32	41.32	0.23	1,955.67	0.08
Totals.....	7,858.38	100.00	18,102.41	100.00	\$2,431,246.43	100.00

* Note: The total for the Delaware, Lackawanna and Western Railroad includes \$10,828.87 expended in case No. 2805, part of which amount is properly chargeable to the Erie and Lehigh Valley railroads.

The Appellate Division of the Supreme Court, Fourth Department, has recently decided that closing a street passing in front of a residence property and diverting the travel thereon does not entitle the property owner to damages if access to the property has not been interfered with through the closing, or the elevation or depression, of the street. The matter arose in the elimination of two grade crossings over the Erie railroad at Corning. O'Neill owned a lot bounded on the north by the Erie railroad right of way, and on the east by Columbia street, which was closed at the point of intersection with the right of way; and the travel which had theretofore passed in front of O'Neill's lot was diverted to an under-crossing a short distance westerly from Columbia street. Commissioners appointed to appraise damages rejected the claim, holding in effect that the foundation of it was an alleged easement of view, several witnesses having testified in substance that the O'Neill property was worth less after the elimination than before, because the street had ceased to be a thoroughfare and the occupant of the premises could no longer see passing traffic. The special term set the award of the commissioners aside because it did not include damages to O'Neill, but the Appellate Division, on the 21st of November, 1917, handed down a decision reversing the order of the special term

and confirming the order of the commissioners. Presiding Justice Kruse wrote the opinion, from which the following statement is taken:

Section 92 of the Railroad Law, for the purpose of carrying out the provisions of the railroad law for avoiding and eliminating grade crossings, provides for acquiring lands, rights or easements by condemnation. . . . While we are of the opinion that the right of access of an abutting owner to his premises is covered by the statute we do not think that the mere change of grade of a street or closing it altogether at some point not in front, but beyond, the premises entitles him to damages. . . . A dangerous crossing has been eliminated and the defendant is given an improved street in its place. The defendant's premises are south of and adjoin the right of way of the railroad company. This street (Columbia street) formerly extended over the railroad tracks and intersected First street just north of the tracks. First street was carried under the railroad tracks and a new improved street from Columbia to First street, intersecting the latter street just south of the railroad, was provided as a part of the grade crossing improvement. While it is a little farther from the premises to the intersection of Columbia street and First street, the street facilities are better and safer. Columbia street was closed across the railroad tracks but it was not closed or any change of grade made in front of the defendant's premises. If there was any obstruction at all at that point it was merely temporary while the work was in progress. . . . While the award is small we are convinced that it fully compensates the defendant for all legal damages to which he is entitled.

The order should be reversed with \$10 costs, the report of the commissioners confirmed and the proceeding remitted to the special term to determine the question of costs.

In the matter of the elimination of grade crossings in White Plains, the village (now a city) upon final accounting objected to certain items in the railroad company's bill. It was stipulated, however, that at least the sum of \$150,000 had been properly and necessarily expended, and the State's portion of the sum mentioned has been paid on account of its share in the total cost of the project. The Commission after an exhaustive investigation of the various items of expenditure in dispute made its determination and approved the accounting after a substantial revision of the amounts claimed as properly chargeable against the elimination. The railroad company accepted the revision but the city declined to accept the determination and appealed to the Appellate Division of the Second Department. The case was argued and submitted November 5, 1917, and at the very close of the year a decision has been handed down affirming the order of the Commission. Inasmuch as the Court of Appeals has

recently affirmed the decision of the Appellate Division in the First Department which upheld the joint determination of the Commissions for the First and Second Districts in the so called "241st Street Viaduct" case, that determination constituting an integral part of the basic plan under which all the eliminations of all the grade crossings in White Plains and Mount Vernon have proceeded, the above mentioned disposition of the White Plains accounting apparently clears the way for a final closing up of all matters involved in grade crossing eliminations in this important sector of the so called "Electric Zone".

SUBDIVISION 10

REPORT OF DIVISION OF LIGHT, HEAT, AND POWER

In addition to the routine work of inspecting gas, testing gas and electric meters, and various special duties, some of which are described later, this division serves as a general information bureau concerning gas and electric service and as a clearing house for all matters connected with such service or with the corporations which furnish it. Numbers of people visit the Commission's offices for the purpose of discussing or of inquiring, informing, or complaining regarding the multitude of matters which arise in connection with the vast and complex business of furnishing the people of the State with light, heat, and power. Still more people use the mails for the same purposes. A large number of these matters have to do with the rights, duties, and obligations of corporations and individuals, and the proper handling of them involves legal, engineering, and business questions, all of which should be considered with as much judgment, equity, and common sense as may be available.

In this work the division endeavors to be as generally useful as possible, and in addition to adjusting complaints and answering questions, tries to have all interested parties fully understand the entire situation and the reasons for any action which may have to be taken. In this manner a large number of complaints are handled without resorting to formal proceedings, with a resulting saving of time and expense to all parties concerned.

Engineering investigations and reports are made as specific cases or general conditions require. Questions are constantly appearing which could profitably be investigated if time permitted.

Appraisals: The work which seems to be required by statute in capitalization cases continues to require a considerable amount of attention by the engineers of this division. There is at present a distinct tendency toward concentration and consolidation of public utility corporations. The reasons for this tendency and the arguments for and against it form an interesting study. It influences the work of this division by involving a large number of purchase and sale cases. In such cases it is necessary that the Commission know, as exactly as may be, the value of the

physical property involved. It happens in a large number of cases that this is not satisfactorily shown by the books and records, in which event an appraisal is the only practical alternative. Appraisals require, first, that an inventory be prepared or checked, and second, that a careful study be made of the type of construction, the time at which the property was created, and the conditions which existed. Appraisals are always subject to error and to differences of opinion, so that great care is necessary in their preparation.

Rate Cases: It is interesting from a psychological standpoint to note that consumers accustomed to paying a certain rate are apt to continue paying it as a matter of routine and precedent without questioning its justice, but if the rate be raised are extremely likely to protest even though there may be more justification for the new rate than there was for the old. Just now many gas and electric corporations are raising rates in common with the general trend of prices and as a result there are an unusual number of rate cases before the Commission.

Rate cases involve the widest variety of problems. A determination of the total revenue which any company should be permitted to receive is in itself a sufficiently difficult matter, involving as it does a study of the value upon which the company is entitled to a return and an analysis of operating conditions. To determine the amount which should be collected from each locality and from each class in that locality requires a study of the expenses for each unit of the business, an analysis of the business done, and a study of the effect of various rates on each particular class and on the business as a whole.

The final and by no means the smallest part of the problem is the preparation of rates which shall be equitable as between individuals and encourage the fullest economical use of the service. It is the duty of this division to make the studies indicated and to bring out all of the ascertainable facts for the assistance of the Commission in reaching its decision.

Plant and Line Inspections: The additional inspectors authorized by the last appropriation bill have begun to inspect electric plants and overhead lines and it is believed their work will ultimately result in improved conditions as regards safety,

service, and perhaps appearance. Present conditions make progress along these lines somewhat difficult because of the scarcity of labor, and the high cost of both labor and material make it unreasonable to require anything to be done except work of the most necessary character. However, something can be accomplished even now. All positively dangerous conditions will be remedied and none of the work will be wasted, as it will serve as a basis for arriving at suitable standards of construction and for putting all lines and apparatus in proper condition as soon as conditions permit.

Laboratory Equipment: The appropriations made in 1916 for laboratory equipment have been expended with care and have been found adequate for the intended purposes. The Commission is now equipped with suitable apparatus for making calorimetric tests of gas in connection with the new heating power standard, in addition to apparatus for determining the impurities in gas and its pressure. There has been great delay in getting deliveries on some of the equipment ordered for the electrical laboratory, but the most urgently needed apparatus has been secured. The Commission is now relieved from the embarrassing necessity of borrowing instruments from the corporations in order to test meters for consumers when such tests are applied for as provided by law. It is also in a position to calibrate its own apparatus and the equipment used by the corporations in testing and adjusting meters more accurately and satisfactorily than formerly, and will soon be able to take up the testing of polyphase meters. In general it may be said that, while more apparatus would be useful, and some of that owned is not of the handsomest and most modern type, it is possible to do all necessary work in a fairly satisfactory manner.

Electricity: The demand for electricity has greatly increased. There are two contributing causes for this in addition to the natural expansion of a business which for many years has grown very rapidly. One of these is the great increase in manufacturing of all kinds, particularly of material for war purposes, which has made new demands for power. The other is the high price and difficulty of securing coal, which has induced many

private plants to shut down and turn to the public utility corporations for their current.

This sudden demand has coincided with a period of high prices for equipment with which to meet it and of delay and great difficulty in obtaining such equipment. The general result is an uncomfortably small margin of generating capacity for carrying the heavy winter loads. Another cause for anxiety is the shortage of coal. Many plants which ordinarily go into the Winter with a large stock of coal have been barely able to obtain enough during the Summer for current use. During the long nights and cold days a still greater amount will be used and transportation difficulties increase during winter months. The Commission has done what it could in this regard and it is believed that the National authorities realize the importance of the public utilities and will make every effort to see that they have the necessary supplies. At the present time every unit of energy which can be derived from water power is of greatly increased value.

Manufactured Gas: The new heating power standard for gas went into effect January 1, 1917. There seems to be no question that the change has been beneficial, but two conditions have prevented as yet a final and satisfactory comparison between the new and old standards. The first of these is the very gradual change which has been made in the methods of manufacture, due to the corporations feeling their way under the new standard and their desire not to upset any customer who may still use gas in open burners by making any sudden change in its illuminating power. The second is that market conditions have been such that the gas companies were largely obliged to take whatever they could get in the way of fuel and other supplies, regardless of whether it was best adapted to the present standard.

General conditions are similar to those which exist in the case of electricity, but the difficulties are perhaps more acute because a relatively larger amount of fuel is necessary for making gas than for electricity. It will require the combined efforts of all concerned if the service desired by all consumers is maintained. If it becomes necessary to curtail the consumption, serious prob-

lems will be involved in deciding how and where this should be done.

Natural Gas: In spite of the efforts which have been made to increase the production of natural gas and to restrict or discourage its use, the situation seems not to be greatly improved. In practically every locality which uses it shortages have already been experienced and further difficulties may reasonably be expected to occur before the warm weather comes again. In dealing with this problem it may as well be recognized that demand has overtaken supply so far as winter months are concerned, and that relation bids fair to continue unless some radical change is made. There are two obvious solutions to the problem.

One is to increase the supply, which apparently would mean that plants be installed which could manufacture gas when and in the quantities needed to supplement the supply furnished by nature. With exhaustion of the fields this is undoubtedly the method which will have to be adopted, and it may be questioned whether the time for its institution has not already arrived.

The other remedy would be to cut off part of the demand so that the remaining portion could be satisfied. In some sections of the country a large amount of gas is used for industrial purposes of various kinds and in an emergency it has been possible to restrict that use so domestic users could be served. This seems not to be the situation in this State, where a comparatively small proportion of the total is used for industrial purposes. The shortages are caused by the use of gas for heating buildings, and such use for a few months in the year seriously interferes with purposes such as cooking, which continue the year 'round. It is to be regretted that there is not enough gas to supply all persons and all uses, but at present it looks very much as if, in the interests of the public in general, the use of gas for some purposes might have to be restricted unless the users in such cases are willing to pay a price which will make it possible to supply through manufactured gas or otherwise the heavy but short term demand which they make. Just at present the matter is complicated by the difficulty of obtaining coal with which to replace the gas.

Steps have been taken toward conserving as much as possible

the gas supply for this Winter. In the meantime the Commission is giving careful consideration to the whole problem with the hope of effecting an ultimate solution which will result in true conservation and the most good to the greatest number.

Electric Meters and Standards: Station testing standards owned and in use by the companies were tested as follows: 355 rotating standards; 146 ammeters, voltmeters and indicating wattmeters; 6 precision wattmeters; 67 master watthour meters: total 574. Of this total 539 were approved as accurate, 8 were disapproved and ordered re-calibrated, and 27 were readjusted by the inspectors.

On complaint of consumers there were tested 38 electric meters, of which 2 were found to be more than 4.0 per cent fast, 1 was found to be more than 4.0 per cent slow, and 35 were found accurate within the allowable limits of error.

The monthly reports filed by corporations of consumers' electric meters tested show results tabulated as follows:

Month	Corporations		Meters tested				
	Equipped with standards	Making tests	Total meters tested	Total accurate, within 4 %	Inaccurate		
					Total in-accurate, more than 4 % fast or slow	More than 4 % fast	More than 4 % slow
1916							
December	241	124	10,447	9,520	927	316	611
1917							
January	241	128	12,309	11,250	1,059	375	684
February	241	123	11,186	10,140	1,046	406	640
March	241	123	13,469	12,134	1,335	497	838
April	241	110	12,155	11,103	1,052	381	671
May	241	124	11,699	10,838	861	355	506
June	235	109	11,556	10,620	936	448	488
July	235	111	10,205	9,400	805	301	504
August	235	114	9,555	8,718	837	275	562
September	235	111	8,073	7,404	669	215	454
October	232	99	8,990	8,135	855	237	618
November	232	112	10,130	9,149	981	407	574
Totals			129,774	118,411	11,363	4,213	7,150

The following table shows by years the results of meter tests made by the companies:

Year	Number of meters tested	Per cent found correct
1914	122,921	88.7
1915	128,896	90.4
1916	137,484	91.2
1917	129,774	91.2

Inspections of Gas: The change from illuminating power to heating power, effective January 1, 1917, necessitated initially

the calibration *in situ* of the calorimetric apparatus of those companies required to make daily tests, *i. e.* those selling over twenty million cubic feet per annum. The gas of the smaller companies is also tested by the traveling inspectors using, however, portable apparatus belonging to the Commission. Appendix E gives statistics of inspections.

Gas Meters and Provers: Every gas meter is tested by inspectors of the Commission prior to its installation for use. Whenever meters are opened, they must be again tested and sealed before being placed in use by the company. Upon its authority to establish rules and regulations to carry into effect the meter testing provisions of the law, the Commission adopted a rule that all gas meters shall be deemed to be correct the registration of which is not more than 2 per cent fast or slow.

For the year, 97,082 meters were verified and sealed as correct within the allowable limits of error above stated, and 1579 were rejected, being more than 2 per cent fast or slow, or unsound. Of the total number sealed, new meters comprised 26.5 per cent, and repaired meters 73.5 per cent. Natural gas companies furnished 19.1 per cent, and manufactured gas companies 80.9 per cent of the total. The following table summarizes the results as to the number of meters found fast or slow, and gives the average percentages or registration:

Meters	Fast		Slow		100% correct, number	Unsound, number
	Number	Average %	Number	Average %		
Error of 2% or less.....	11,893	0.83	59,488	1.14	25,701	.....
Over 2% error.....	863	3.64	505	6.92	.....	211

Upon application of consumers, special tests were made of 78 meters, 33 of which were found to register more than 2 per cent fast or to the prejudice of the consumer. The percentages of error of these meters were as follows: 2 registered 2.25 per cent; 3, 2.5 per cent; 6, 3 per cent; 4, 3.5 per cent; 5, 4 per cent; 3, 4.5 per cent, 2, 5 per cent; 1, 5.5 per cent; 2, 6 per cent; 1, 6.5 per cent; 2, 7 per cent; 2, 7.5 per cent fast.

Four of the complaint meters registered more than 2 per cent slow; of these, 2 registered 2.5 per cent; 1, 3 per cent; 1, 4 per

cent slow. The remainder of the complaint meters, 41 in number, were found correct within the limits of error.

Four provers were tested for accuracy this year, and 102 corporations are now properly equipped in this respect.

Two wet meters were tested for accuracy. These meters being more constant in their registration than the dry meter are used in calorimetric observations. It is the practice now to test these meters in connection with the calibration of calorimetric apparatus, and do it at the plants of the companies.

New Gas and Electric Plants: Below is given a list of new corporations which have received permission to construct and exercise franchises. This list does not comprise new corporations resulting from consolidations or reorganizations; these will be found in a succeeding paragraph:

<i>Plant of</i>	<i>Locality</i>	<i>Service</i>
Village of Akron.....	Village of Akron.....	Electricity
Village of Andover.....	Village of Andover.....	Electricity
Village of Attica.....	Village of Attica.....	Electricity
Canaseraga Heat, Light and Power Co ...	Village of Canaseraga.....	Electricity
Clymer Power Corp.....	Town of Clymer.....	Electricity
Village of Dering Harbor.....	Village of Dering Harbor.....	Electricity
Wm. T. Hyzer.....	Village of Andes.....	Electricity
Erwin & Southwick.....	Village of Champlain (one customer only)	Electricity
	Town of Champlain (transmission lines only)	Electricity
Pine Plains Electric Light Co.....	Town of Pine Plains.....	Electricity
Schoharie Valley Light and Power Corp...	Village of Esperance.....	Electricity
	Town of Princetown.....	Electricity
	Town of Duaneburgh.....	Electricity
	Town of Schoharie (not including unincorporated village of Central Bridge).	Electricity
	Town of Esperance.....	Electricity
Village of Spencerport.....	Village of Spencerport.....	Electricity
Geo. Wishart.....	Village of Friendship.....	Electricity

Additional Franchises Exercised: Permission was given to the following operating corporations to extend their service and exercise rights under new or dormant franchises:

<i>Plant of</i>	<i>New franchises exercised</i>	<i>Service</i>
Albany Southern Railroad Co.....	Town of Greenport.....	Electricity
Binghamton Gas Works.....	Village of Port Dickinson.....	Gas
Earlville Electric Light Co.....	Town of Lebanon.....	Electricity
Genesee Light and Power Co.....	Village of Corfu.....	Electricity
Genesee Light and Power Co.....	Village of Akron (transmission lines only)	Electricity
Inter-Village Electric Corp.....	Village of Hamburg (extension of old franchise)	Electricity
Iroquois Natural Gas Co.....	Town of North Collins.....	Gas
Jordan Electric Light and Power Co.....	Village of Elbridge.....	Electricity
	Town of Elbridge (part).....	Electricity
	Town of Camillus (part)	Electricity
	Town of Van Buren (part).....	Electricity

<i>Plant of</i>	<i>New franchises exercised</i>	<i>Service</i>
Juengst, Geo. & Son.....	Town of Somers.....	Electricity
Long Beach Power Co.....	Town of Hempstead (part).....	Electricity
Murray Electric Light and Power Co.....	Village of Centerville Station.....	Electricity
Murray Electric Light and Power Co.....	Town of Deerpark.....	Electricity
	Town of Forestburgh.....	Electricity
Niagara and Erie Power Co.....	City of Dunkirk (part).....	Electricity
Oneonta Light and Power Co.....	Town of Oneonta (part).....	Electricity
Orange and Rockland Electric Co.....	Town of Stony Point.....	Electricity
Ovid Electric Co.....	Town of Lansing.....	Electricity
	Cayuga Lake (cable across lake at speci- fied location).....	Electricity
Ralph, Harlow E.....	Town of Ellisburg (part).....	Electricity
	Town of Henderson (part).....	Electricity
Rockland Light and Power Co.....	Town of Stony Point (except in School Dist. No. 7).....	Electricity
St. Lawrence Transmission Co.....	Town of Canton (part).....	Electricity
Seneca River Power Co.....	Town of Van Buren (part).....	Electricity
Seward Electric Lighting and Power Co., Inc.	Town of Seward (extension of old fran- chise).....	Electricity
Southern New York Power Co.....	Town of Deposit.....	Electricity
	Town of Walton.....	Electricity
Standard Light, Heat and Power Co.....	Town of Bainbridge.....	Electricity
	Town of Guilford.....	Electricity
Wallkill Valley Electric Light and Power Co.	Town of Montgomery.....	Electricity
	Town of Crawford.....	Electricity

Changes in operation are as follows:

Village of Attica permitted to acquire, maintain, and operate the electric light plant, rights, franchises, and system of the Attica Water, Gas and Electric Company.

Colliers Light, Heat and Power Company given permission to merge the Hartwick Power Company.

Colliers Light, Heat and Power Company given permission to merge the Southern New York Power Company, the corporations assuming the name of the Southern New York Power Company.

Deposit Electric Company given permission to merge the Southern New York Power Company, the corporations assuming the name of the Southern New York Power Company.

Consent given to the transfer of the works and systems of an electric plant in the village of Dering Harbor owned by the Island Realty Company to the incorporated Village of Dering Harbor.

Fredonia Natural Gas Company authorized to acquire from William E. Carroll all the plant, property, franchises, etc., formerly of the Central Station Heating and Construction Company at Fredonia.

Frost Gas Company authorized to acquire and hold the entire outstanding issue of capital stock of the Fredonia Natural Gas Light Company.

The Iroquois Natural Gas Company permitted to acquire a gas plant in the town of Hamburg from Charles B. Fuller.

Consent given to the transfer by F. W. Knapp to the Jordan Electric Light and Power Company of certain franchises.

Lockport Gas and Electric Light Company permitted to merge the Lockport Light, Heat and Power Company, the corporations assuming the name of the Lockport Light, Heat and Power Company.

Long Island Lighting Company permitted to merge the Huntington Light and Power Company and the Huntington Gas Company.

Long Island Lighting Company permitted to merge the North Shore Electric Light and Power Company.

Long Island Lighting Company permitted to merge the South Shore Gas Company.

Long Island Lighting Company permitted to merge the Suffolk Gas and Electric Light Company.

Long Island Lighting Company authorized to acquire all the franchises, property, and assets of the Suffolk Light, Heat and Power Company.

Oneonta Light and Power Company permitted to acquire from K. E. Morgan a certain franchise granted to him by the Town of Oneonta.

Nunda Casket Company permitted to transfer its electric plant and property situated in the village of Nunda to the Nunda Electric Light Company, Inc.

lxxii PUBLIC SERVICE COMMISSION, SECOND DISTRICT

Orange and Rockland Electric Company permitted to merge the Buttermilk Falls Electric Company.

Orange County Public Service Corporation permitted to merge the following companies: Port Jervis Light and Power Company, Orange County Lighting Company, Murray Electric Light and Power Company, and the Orange County Power Company. Three companies have been merged but the Murray company seems not to have gone in.

Consent given to the transfer by F. L. Putnam to Leon A. Hardman of a natural gas plant situated in the village of Richburg.

Rochester Railway and Light Company permitted to merge the following companies: Canandaigua Gas Light Company, Despatch Heat, Light and Power Company, Eastern Monroe Electric Light and Gas Company, Ontario Light and Traction Company (excepting those portions devoted to its electric railroad property).

St. Regis Light and Power Company permitted to transfer its franchises, works, and system to O'Neil & Company.

Pulaski Electric Light Company permitted to transfer its franchises and sell all of its property, rights, and privileges to the Salmon River Power Company.

Village of Sherman given permission to purchase the Sherman Electric Light Company.

The A. Sherman Lumber Company given permission to transfer franchise, works, and system of an electric light plant to Myron E. Robson.

The Frost Gas Company authorized to acquire and hold the entire outstanding issue of capital stock of the Silver Creek Gas and Improvement Company.

The Frost Gas Company authorized to acquire and hold the entire outstanding issue of common capital stock of the South Shore Natural Gas and Fuel Company.

Garret H. Tenpas authorized to transfer to the Clymer Power Corporation an electric plant in the town of Clymer.

George N. Wilson permitted to sell and transfer the franchises, works, and system of an electric light plant in the village of Henderson to C. W. Valentine and M. B. Steele, who are to operate it under the name of the Lake Shore Electric Company

SUBDIVISION 11

REPORT OF DIVISION OF TELEGRAPHS AND
TELEPHONES

Higher costs and increasing difficulty in obtaining labor and materials began to hamper the activities of telephone corporations some time before war was declared by our Government. Since that time the effect has become more and more pronounced. The National Government has made large demands both upon the American Telephone and Telegraph Company for direct long distance circuits for interstate and trans-continental service, and upon the local companies and the manufacturing concerns for men, material, and equipment for cantonments and the greatly expanded governmental departments. Some facilities have necessarily been withdrawn temporarily from general public use; supplies, both raw and manufactured, have been diverted from usual channels, and large numbers of the younger men employed have enlisted. Natural expansion has been greatly reduced and the service to the public has suffered to some extent. It is rather, however, a matter of congratulation and commendation of the efficiency of the telephone companies that the service has not been seriously demoralized. So far as reflected in complaints received, the public has apparently recognized and made allowances for the unusual conditions involving a curtailment of all facilities together with an increasing traffic load.

The matter of the short-term schedule referred to in the last report was satisfactorily disposed of and an order entered eliminating the disproportion heretofore existing in the rates for that service. Among the other cases tried, the most important from our point of view was a further searching review of the ever recurring question of an itemization of calls billed under the measured rate system and the consideration of alternative methods advanced to satisfy subscribers of the correctness of the count registered by meter. The conclusions of the Commission in this case were in part as follows:

“After a very careful consideration of the entire subject, we feel that this is one of the situations where an exception ought to be made to the usual rule, and that the public interest not only would not be well served, but on the contrary, that it would be

affected very injuriously indeed, if itemized monthly bills to New York telephone subscribers were to be insisted on by this Commission. But the public is certainly entitled to a fairly explicit statement of the Commission's reasons for coming to this conclusion.

" . . . The problem is a complicated one, of course, and nothing would please the Commission more than to be able to do something helpful toward solving it. . . .

" Enough has been said to show the utter impossibility of arriving at any entirely satisfactory solution of such a problem as we have been considering here, at the present time. The telephone users of New York city may at least rest assured that the Commission will watch the situation very closely, and of its own motion do from time to time whatever seems from the standpoint of the public to be appropriate toward correcting the conditions of which Dr. Tracy complains. New inventions may appear which will simplify the problem somewhat. Ways of increasing the efficiency of the company's working force without subjecting the general public to the burden of sustaining an extravagantly administered service may suggest themselves. The possibility of accomplishing something in these directions will constantly be borne in mind. In this connection it is proper to say, however, that so far as the Commission has been enabled to observe, the New York Telephone Company has always tried to avail itself of the best appliances that are to be had, and to maintain a high standard of efficiency in the conduct of its business. Its failure to give entire satisfaction in connection with the matter now under discussion has not, in the opinion of the Commission, been due to any desire upon the part of the company to maintain a registering method that is only partially satisfactory for one minute longer than seems necessary for the good of the system as a whole. If the Commission did not believe that this was so, it would regard the condition of which Dr. Tracy complains as intolerable, and would be willing to go to almost any length in compelling the company, at whatever cost, to rectify it immediately. Believing it to be so, it feels that this whole matter can be allowed to rest where it is for a while longer, until some better solution than any which has yet been proposed presents itself."

Traffic inspections have been continued as heretofore, covering 287 central offices serving 908,407 subscribers. The results of service tests as to speed of service are shown in Appendix F.

The time of the plant inspectors has been mainly devoted to the work of inventory and appraisal of telephone properties in connection with capitalization cases and to determine the question of jurisdiction over small companies claiming exemption. Thirty-six inventories have been completed.

During the year some 443 informal complaints have been received and 457 closed. A total of 545 inspections of all classes has been made.

SUBDIVISION 12

REPORT OF DIVISION OF TARIFFS

The work of this division has been stated in preceding annual reports, and during this year it has been conducted along the same general lines.

The following table shows the number of tariff publications tendered this year for filing, the number rejected as unlawful, and the number passed into the files:

Classification	Publications		Total
	New	Amendatory	
Express companies.....	15	68	83
Railroad companies:			
Freight, steam.....	2,041	12,073	14,114
Freight, electric.....	94	50	144
Passenger, steam.....	277	425	702
Passenger, electric.....	45	58	103
Short-term excursion, steam.....	279	.....	279
Short-term excursion, electric.....	148	.....	148
Rail and Water lines:			
Freight.....	41	66	107
Passenger.....	12	12	24
Short-term excursion.....	2	.....	2
Baggage and Transfer companies.....	6	1	7
Gas corporations.....	10	147	157
Electrical corporations.....	32	415	447
Telephone corporations.....	125	632	757
Telegraph corporations.....	2	20	22
Steam Heating corporations.....	2	.....	2
Totals.....	3,131	13,967	17,098
Rejected as unlawful.....	14	16	30
Passed into the files.....	3,117	13,951	17,068

An examination of these schedules discloses that as to express rates and charges applying between points within this State no material change has been made.

The fares and charges for the transportation of passengers both by the steam and electrically operated railroads have undergone numerous changes, the tendency being to increase fares and charges wherever practicable. The changes made during the year fall largely to the price of commutation tickets, round-trip tickets, and other forms of special tickets.

Quite early in the year the steam railroads operating in Official Classification Territory united in an effort to obtain a general increase in freight rates applicable to both interstate and intrastate traffic. The increase asked for was approximately 15 per cent, and in order to present the proposed rates to the public without printing an entire set of new tariffs, application was

made to the Federal Commission and to this Commission for authority to set forth the proposed rates in a special supplemental tariff publication. These applications were granted, July 1st being the date upon which such special supplemental publications were to become effective. In the meantime the Federal Commission was to pass upon the proposed rate increases as to interstate traffic, and this Commission as to New York state traffic. Determinations were reached late in June which substantially permitted the carriers to put into effect increased class rates, but denied the increase as to commodity rates except in cases where commodity rates were expressed in rate schedules as a percentage of class rates. The carriers operating in Trunk Line Association Territory established the new authorized class rates effective in August. The carriers operating in Central Freight Association Territory established the new class rates authorized to apply therein as effective in September, which rates were increased considerably more than the 15 per cent advance allowed to Trunk Line Association carriers.

In territories where electrically operated railroads competed for traffic with steam operated railroads, the electrically operated railroads have increased their freight rates to correspond with the increases made by the steam operated lines.

The heavy snow storms in December, 1916, coupled with the extreme cold weather following early in this year, operated to handicap carriers in the transportation of freight, resulting in congestion at the large terminals like Buffalo, which was not relieved until early in the Spring, so that it may be said that normal conditions as to freight traffic service did not obtain generally throughout the State during January, February, and a part of March. At various times there have been shortages of cars, particularly in the Fall when fruit shipments were heavy, but it is well known that the carriers were operating under unusual conditions, and the Commission is of opinion from the information obtained that the carriers did the best that could be done under the circumstances.

The price to the consumer for gas and electricity furnished by gas corporations and electrical corporations may be said to have been generally increased throughout the State, such increases

being made necessary, according to the furnishing corporations, on account of advances in prices of coal and coke, materials, supplies, and labor.

The rates and charges for both telephone and telegraph service have remained substantially unchanged except the rates applying to short-term telephone service, which rates have been generally reduced and a uniform basis adopted by the telephone corporations which furnish such service throughout this State.

By an act approved June 9, 1917, section 36 of the Public Service Commissions Law was so amended as to place carriers by water under the jurisdiction of the Public Service Commissions in cases where such carriers engaged with a carrier or carriers by railroad in the transportation of passengers or property over a through route partly by water and partly by railroad, for a continuous carriage or shipment between points within this State. The same act also changed the long and short-haul clause to correspond with a similar clause in the Federal act to regulate commerce. These changes in the law increase the jurisdiction of this Commission and its work of supervision as carried on by its division of tariffs. It is not expected, however, that any increase in the force will be required.

During the year 550 special permission orders were granted authorizing changes in tariffs and rate schedules on shorter notice than required by the statute. Of such special permissions, 464 were issued to steam railroad corporations, 47 to electric railroad corporations, 8 to rail and water carriers, 9 to gas corporations, 14 to electrical corporations, and 8 to telephone corporations.

APPENDIX A

**RESULTS OF OPERATIONS, FINANCIAL AND TRAFFIC TOTALS SUM-
MARIZED BY YEARS: STEAM RAILROAD CORPORATIONS, ELECTRIC
RAILROAD CORPORATIONS, ELECTRICAL CORPORATIONS, ELEC-
TRICAL AND GAS CORPORATIONS, COAL GAS AND WATER GAS
CORPORATIONS, NATURAL GAS CORPORATIONS, AND TELEPHONE
CORPORATIONS.**

STEAM RAILROAD CORPORATIONS: Results of operations of steam railroads, totals summarised by years.
Last three figures omitted except in "Miles of road operated"; D prefixed to a figure indicates a decrease; L, a net loss.

Year ended	Amount	Per cent of increase or decrease		Amount	Per cent of increase or decrease		Amount	Per cent of increase or decrease	
		Compared with preceding year	Compared with first year of series		Compared with preceding year	Compared with first year of series		Compared with preceding year	Compared with first year of series
<i>Railway operating revenues*</i>									
June 30, 1907.....	569,246	.....	.....	152,639	.....	.....	66,975	.....	.....
June 30, 1908.....	566,412	D 0.5	D 0.5	149,334	D 2.2	D 2.2	64,015	D 4.4	D 4.4
June 30, 1909.....	554,758	D 2.1	D 2.5	161,588	8.2	5.9	59,628	D 6.9	D 11.0
June 30, 1910.....	621,413	12.0	9.2	183,867	13.8	20.5	88,375	48.2	31.9
June 30, 1911.....	633,242	1.9	11.2	164,765	D 10.4	7.9	79,680	D 9.8	19.0
June 30, 1912.....	650,117	2.7	14.2	166,811	1.2	9.3	103,354	29.7	54.3
June 30, 1913.....	717,988	10.4	26.1	181,563	8.8	18.9	83,546	D 19.3	24.7
June 30, 1914.....	696,923	D 2.9	22.4	147,833	D 18.6	D 3.3	72,648	D 13.0	8.5
June 30, 1915.....	691,723	D 0.7	21.5	164,119	11.0	7.5	62,392	D 14.1	D 6.8
June 30, 1916.....	819,441	18.5	44.0	242,174	47.6	58.7	63,565	1.9	D 5.1
December 31, 1916.....	858,776	4.8	50.9	237,714	D 1.8	55.7	65,218	2.6	D 3.6
<i>Railway operating expenses*</i>									
June 30, 1907.....	400,014	.....	.....	39,017	.....	.....	418,601	.....	.....
June 30, 1908.....	401,470	0.4	0.4	60,976	56.3	56.3	382,814	D 8.6	D 8.6
June 30, 1909.....	374,515	D 6.7	D 6.4	58,380	D 4.3	49.6	372,621	D 2.7	D 11.0
June 30, 1910.....	414,339	10.6	3.6	69,333	18.8	77.7	433,039	16.2	3.4
June 30, 1911.....	443,994	7.1	11.0	72,299	4.3	85.3	434,980	0.4	3.9
June 30, 1912.....	455,192	2.5	13.8	74,727	3.3	91.5	447,975	3.0	7.0
June 30, 1913.....	507,017	11.4	26.7	80,366	7.5	106.0	504,108	12.5	20.4
June 30, 1914.....	516,457	1.9	29.1	71,661	D 10.7	83.7	473,328	D 6.1	11.3
June 30, 1915.....	497,811	D 3.6	24.4	60,476	D 15.6	55.0	418,982	D 11.5	0.1
June 30, 1916.....	546,703	9.8	36.7	68,259	12.9	74.9	503,162	20.1	20.2
December 31, 1916.....	588,250	7.6	47.1	75,490	10.6	93.5	519,467	3.2	24.1
<i>Tons of revenue freight carried</i>									
June 30, 1907.....	418,601	.....	.....	39,017	.....	.....	418,601	.....	.....
June 30, 1908.....	382,814	.....	.....	60,976	56.3	56.3	382,814	D 8.6	D 8.6
June 30, 1909.....	372,621	D 2.7	D 11.0	58,380	D 4.3	49.6	372,621	D 2.7	D 11.0
June 30, 1910.....	433,039	16.2	3.4	69,333	18.8	77.7	433,039	16.2	3.4
June 30, 1911.....	434,980	0.4	3.9	72,299	4.3	85.3	434,980	0.4	3.9
June 30, 1912.....	447,975	3.0	7.0	74,727	3.3	91.5	447,975	3.0	7.0
June 30, 1913.....	504,108	12.5	20.4	80,366	7.5	106.0	504,108	12.5	20.4
June 30, 1914.....	473,328	D 6.1	11.3	71,661	D 10.7	83.7	473,328	D 6.1	11.3
June 30, 1915.....	418,982	D 11.5	0.1	60,476	D 15.6	55.0	418,982	D 11.5	0.1
June 30, 1916.....	503,162	20.1	20.2	68,259	12.9	74.9	503,162	20.1	20.2
December 31, 1916.....	519,467	3.2	24.1	75,490	10.6	93.5	519,467	3.2	24.1
<i>Gross income</i>									
June 30, 1907.....	191,656	.....	.....	191,656	.....	.....	56,286,650	.....	.....
June 30, 1908.....	210,310	9.7	9.7	210,310	9.7	9.7	58,308,592	3.6	3.6
June 30, 1909.....	219,969	4.6	14.8	219,969	4.6	14.8	56,795,557	D 2.6	0.9
June 30, 1910.....	253,200	15.1	32.1	253,200	15.1	32.1	64,236,892	13.1	14.1
June 30, 1911.....	237,064	D 6.4	23.7	237,064	D 6.4	23.7	64,285,634	0.1	14.2
June 30, 1912.....	241,538	1.9	25.9	241,538	1.9	25.9	66,111,863	2.8	17.5
June 30, 1913.....	261,929	8.4	36.6	261,929	8.4	36.6	75,499,483	14.2	34.1
June 30, 1914.....	219,494	D 16.2	14.5	219,494	D 16.2	14.5	70,653,903	D 6.4	25.5
<i>Net revenue, railway operations</i>									
June 30, 1907.....	169,233	.....	.....	169,233	.....	.....	56,286,650	.....	.....
June 30, 1908.....	164,942	D 2.6	D 2.6	164,942	D 2.6	D 2.6	58,308,592	3.6	3.6
June 30, 1909.....	180,243	9.3	6.5	180,243	9.3	6.5	56,795,557	D 2.6	0.9
June 30, 1910.....	207,074	14.9	22.4	207,074	14.9	22.4	64,236,892	13.1	14.1
June 30, 1911.....	189,248	D 8.6	11.8	189,248	D 8.6	11.8	64,285,634	0.1	14.2
June 30, 1912.....	194,925	3.0	15.2	194,925	3.0	15.2	66,111,863	2.8	17.5
June 30, 1913.....	210,972	8.2	24.7	210,972	8.2	24.7	75,499,483	14.2	34.1
June 30, 1914.....	180,465	D 14.5	6.6	180,465	D 14.5	6.6	70,653,903	D 6.4	25.5

APPENDIX A: RESULTS OF OPERATIONS

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June 30, 1915.....	193,918	7.8	14.6	294,595	2.3	17.2	67,553,205	D 4.7	19.7
June 30, 1916.....	572,737	40.6	61.2	810,430	38.2	63.0	82,978,920	23.2	47.4
December 31, 1916.....	270,536	D 0.8	50.9	313,204	0.9	63.4	86,682,900	4.5	54.0
Auxiliary operations, net revenue*									
June 30, 1907.....	2,202	D 1.8	D 1.8	52,495	22.1	22.1	325,473	7.7	7.7
June 30, 1908.....	2,163	D 69.8	D 69.8	64,092	8.3	32.3	350,452	D 8.5	5.2
June 30, 1909.....	664	8.1	D 57.4	60,443	D 1.4	30.5	342,258	1.8	14.1
June 30, 1910.....	718	30.1	D 57.6	68,497	D 2.2	27.6	371,380	2.6	16.1
June 30, 1911.....	934	D 66.4	D 85.7	66,960	0.8	28.5	378,045	4.4	19.1
June 30, 1912.....	314	D 708.9	D 186.8	67,470	5.4	35.5	387,744	1.1	24.4
June 30, 1913.....				71,128	7.4	45.5	404,767	D 6.8	25.7
June 30, 1914.....				76,375	5.4	53.4	409,209	3.9	17.2
June 30, 1915.....				80,512	3.8	59.2	381,321	5.2	21.7
June 30, 1916.....				82,567	D 1.9	56.2	398,188		28.0
December 31, 1916.....				81,680			416,630		
Uncollectible railway revenues									
June 30, 1907.....				65,852	D 1.8	D 1.8	7,721,772	6.9	6.9
June 30, 1908.....				65,054	D 3.1	D 4.2	8,258,291	D 2.0	4.8
June 30, 1909.....				63,058	D 18.0	D 16.7	8,094,209	8.6	13.9
June 30, 1910.....				55,463	6.6	D 10.2	8,792,337	2.7	16.9
June 30, 1911.....				60,133	1.7	D 8.7	9,026,164	5.4	19.8
June 30, 1912.....				60,135	4.8	D 4.5	9,251,333	1.5	26.8
June 30, 1913.....				63,028	1.7	D 2.8	9,754,389	D 3.3	28.2
June 30, 1914.....				64,125	4.8	1.6	9,902,213	17.6	22.0
June 30, 1915.....	100		43.0	66,901	14.4	16.2	9,080,011	5.5	28.8
June 30, 1916.....	143	43.0		76,540	5.9	23.1	9,423,658		
December 31, 1916.....	100	D 25.8	9.0	81,081			9,942,442		
Railway tax accruals									
June 30, 1907.....	16,594	7.3	7.3	73,309	10.7	10.7	70.27	Miles of road operated within New York State	8,395
June 30, 1908.....	17,811	16.9	25.4	81,164	7.8	19.3	70.89		8,414
June 30, 1909.....	20,816	14.7	48.9	87,470	47.7	78.3	67.53		8,415
June 30, 1910.....	23,871	5.6	51.8	129,220	D 14.1	51.4	66.69		8,452
June 30, 1911.....	25,200	16.3	75.0	110,965	2.7	55.4	70.13		8,455
June 30, 1912.....	29,048	2.3	79.1	113,933	12.1	74.3	70.03		8,463
June 30, 1913.....	29,723	3.4	85.1	127,773	D 28.8	7.8	70.63		8,474
June 30, 1914.....	30,720	D 3.8	78.9	78,994	D 2.5	5.3	74.12		8,434
June 30, 1915.....	29,093	2.4	83.3	77,181	94.8	105.1	71.97		8,453
June 30, 1916.....	30,420	7.5	97.1	150,327	D 0.1	104.8	66.72		8,444
December 31, 1916.....	32,703			150,143			68.50		

* By the accounting classification in effect after June 30, 1914, the revenues and expenses formerly classed as auxiliary operations were thrown into railway operating revenues and expenses.

ELECTRIC RAILROAD CORPORATIONS: Results of operations of electric railroads, totals summarised by years.
 Last three figures omitted except in "Miles of road operated"; D prefixed to a figure indicates a decrease.

Year ended	Per cent of increase or decrease			Amount	Per cent of increase or decrease			Amount	Per cent of increase or decrease			Amount	Per cent of increase or decrease							
	Amount	Compared with preceding year	Compared with first year of series		Amount	Compared with preceding year	Compared with first year of series		Amount	Compared with preceding year	Compared with first year of series		Amount	Compared with preceding year	Compared with first year of series					
	Railway operating revenues							Other operations, net revenue							Net income					
June 30, 1907	19,774	9.3	9.3	233	50.8	50.8	2,870													
June 30, 1908	21,617	9.3	16.0	502	9.2	64.6	2,230													
June 30, 1909	22,354	3.4	16.0	548	13.9	67.4	2,532													
June 30, 1910	24,917	11.5	26.0	624	2.9	92.8	4,294													
June 30, 1911	27,041	8.5	36.8	642	2.8	96.2	4,174													
June 30, 1912	28,010	3.6	41.7	660	3.5	105.1	2,055													
June 30, 1913	30,234	7.9	52.9	683	7.6	120.7	1,737													
June 30, 1914	32,063	6.0	62.1	725	D 5.5	112.9	933													
June 30, 1915	31,127	D 2.9	57.4	709	5.5	124.6	1,607													
June 30, 1916	32,663	5.0	65.2	748	2.4	130.0	1,822													
December 31, 1916	34,086	4.3	72.4	766																
	Railway operating expenses							Non-operating income							Dividends during year					
June 30, 1907	12,786	12.5	12.5	433	D 55.1	D 26.1	1,830													
June 30, 1908	14,393	12.5	16.6	330	192.2	115.9	2,065													
June 30, 1909	14,844	3.6	16.6	935	D 19.3	74.4	2,191													
June 30, 1910	16,977	7.6	25.4	755	29.9	128.6	2,153													
June 30, 1911	16,798	5.1	31.9	981	31.3	197.5	2,776													
June 30, 1912	17,827	6.1	40.0	1,288	D 52.8	40.4	2,546													
June 30, 1913	19,455	9.1	52.8	608	4.6	46.9	4,183													
June 30, 1914	20,741	6.6	62.9	636	2.0	49.9	3,767													
June 30, 1915	20,228	D 2.5	58.8	649	D 4.5	43.2	2,785													
June 30, 1916	21,318	5.4	67.4	620	D 7.6	32.3	2,985													
December 31, 1916	23,364	4.9	75.6	573			3,123													
	Net revenue, railway operations							Gross income							Passengers (cars and transfers)					
June 30, 1907	7,038	3.5	3.5	6,917	1.8	1.8	418,622													
June 30, 1908	7,284	3.5	6.7	7,042	11.2	13.2	448,846													
June 30, 1909	7,510	3.1	27.0	7,832	15.0	30.2	462,456													
June 30, 1910	8,940	19.0	45.6	9,007	15.8	60.7	499,397													
June 30, 1911	10,245	14.6	44.7	10,427	1.6	53.2	542,695													
June 30, 1912	10,183	D 0.6		10,597			575,431													

June 30, 1913.....	10,778	5.8	53.1	10,284	D 3.0	48.7	600,956	4.4	43.6
June 30, 1914.....	11,321	5.0	60.9	10,731	4.3	55.1	632,902	5.3	51.2
June 30, 1915.....	10,899	D 3.7	54.9	10,267	D 4.3	48.4	608,471	D 3.9	45.4
June 30, 1916.....	11,350	4.1	61.3	10,725	4.5	55.1	643,472	5.8	53.7
December 31, 1916.....	11,722	3.3	66.6	10,955	2.1	58.4	669,895	4.1	60.0
June 30, 1907.....	887			3,804			80,000		
June 30, 1908.....	1,065	20.1	20.1	4,536	19.2	19.2	85,446	6.8	6.8
June 30, 1909.....	1,161	9.0	30.9	4,960	9.3	30.4	86,144	0.8	7.7
June 30, 1910.....	1,312	13.0	47.9	5,141	3.6	35.1	93,557	8.6	16.9
June 30, 1911.....	1,442	9.9	62.6	5,293	3.0	39.1	96,474	3.1	20.6
June 30, 1912.....	1,535	6.4	73.1	5,441	2.8	43.0	97,894	1.5	22.4
June 30, 1913.....	1,784	16.2	101.1	7,009	28.8	84.3	102,197	4.4	27.7
June 30, 1914.....	1,961	9.9	121.1	7,656	9.2	101.3	106,177	3.9	32.7
June 30, 1915.....	1,991	1.5	124.5	8,087	5.0	111.3	103,347	D 8.7	29.2
June 30, 1916.....	1,993	0.1	124.7	7,686	D 4.4	102.1	104,396	1.0	30.5
December 31, 1916.....	2,105	5.6	137.3	7,604	D 1.1	99.9	105,847	1.4	32.3
June 30, 1907.....	6,152			243					
June 30, 1908.....	6,219	1.1	1.1	277	14.0	14.0	64.41		
June 30, 1909.....	6,349	2.1	3.2	340	22.7	39.9	66.30	1,658	
June 30, 1910.....	7,628	20.1	24.0	635	86.8	161.3	66.40	1,808	
June 30, 1911.....	8,804	15.4	43.1	840	32.3	245.7	64.12	1,872	
June 30, 1912.....	8,643	D 1.8	40.6	981	16.8	303.7	62.11	1,909	
June 30, 1913.....	8,993	4.0	46.2	1,220	24.4	402.1	63.65	1,943	
June 30, 1914.....	9,360	4.1	52.1	1,338	9.7	450.6	64.35	1,995	
June 30, 1915.....	8,909	D 4.8	44.8	1,296	D 3.1	433.3	64.69	1,995	
June 30, 1916.....	9,357	5.0	52.1	1,433	10.6	489.7	64.99	2,037	
December 31, 1916.....	9,617	2.8	56.3	1,529	6.7	529.2	65.26	2,027	
							65.76	2,025	

LXXXIV PUBLIC SERVICE COMMISSION, SECOND DISTRICT

ELECTRICAL CORPORATIONS having revenues of \$25,000 or over: Results of operations, totals summarized by years.
D prefixed to a figure indicates a decrease.

Item	Years ended December 31.									
	1908	1909	1910	1911	1912	1913	1914	1915	1916	
Number of corporations reporting.....	40	45	50	46	53	59	62	63		67
Electric operating revenues.....	\$7,407,812	\$8,254,285	\$9,610,360	\$9,857,843	\$11,409,332	\$12,837,254	\$12,957,806	\$13,731,532	\$15,294,127	
Per cent of increase or decrease:										
Compared with preceding year.....		12.8%	17.4%	0.6%	15.6%	12.5%	0.9%	6.0%	11.4%	
Compared with first year of series.....		12.8%	32.4%	33.2%	54.0%	73.3%	74.9%	85.4%	106.5%	
Electric oper. expenses and uncol. bills.										
Per cent of electric operating revenues.	\$4,275,042	\$5,144,108	\$5,796,904	\$5,511,905	\$6,362,533	\$7,112,094	\$7,305,150	\$7,742,148	\$8,340,049	
Per cent of increase or decrease:	57.7%	61.6%	59.1%	55.8%	55.8%	55.4%	56.4%	56.4%	54.5%	
Compared with preceding year.....		20.3%	12.7%	D 4.9%	15.4%	11.8%	2.7%	6.0%	7.7%	
Compared with first year of series.....		20.3%	35.6%	28.9%	48.3%	66.3%	70.9%	81.1%	95.1%	
Taxes, electric.....	\$249,133	\$267,945	\$407,210	\$461,213	\$525,740	\$577,319	\$640,854	\$700,085	\$785,610	
Per cent of electric operating revenues.	4.7%	4.4%	4.1%	4.7%	4.6%	4.5%	4.9%	5.1%	5.2%	
Per cent of increase or decrease:										
Compared with preceding year.....		5.4%	10.7%	13.3%	14.0%	9.8%	11.0%	9.2%	12.2%	
Compared with first year of series.....		5.4%	16.6%	32.1%	50.6%	65.4%	83.6%	100.5%	125.0%	
Electric operating income.....	\$3,783,031	\$2,942,333	\$3,806,191	\$3,894,721	\$4,521,119	\$5,147,839	\$5,011,784	\$5,239,349	\$6,168,408	
Per cent of electric operating revenues.	37.6%	34.0%	36.8%	39.5%	39.6%	40.1%	38.7%	38.5%	40.3%	
Per cent of increase or decrease:										
Compared with preceding year.....		2.1%	26.9%	8.0%	16.1%	13.9%	D 3.7%	5.5%	16.6%	
Compared with first year of series.....		2.1%	29.6%	39.9%	62.6%	85.0%	80.1%	90.1%	121.6%	
Other operations, net revenue.....	\$80,045	\$438,609	\$59,239	\$51,620	\$32,713	\$33,455	\$1,095	\$35,453	\$249,131	
Non-operating income.....	\$642,615	\$708,853	\$797,792	\$784,994	\$923,080	\$769,204	\$1,042,447	\$1,135,333	\$1,429,274	
Gross income.....	\$3,505,894	\$3,987,798	\$4,373,210	\$4,731,337	\$5,476,915	\$5,950,500	\$6,055,326	\$6,460,133	\$7,840,873	
Per cent of increase or decrease:										
Compared with preceding year.....		13.8%	9.7%	8.2%	15.8%	8.6%	1.8%	6.7%	21.5%	
Compared with first year of series.....		13.8%	24.7%	35.0%	53.2%	69.7%	72.7%	84.3%	123.4%	
Interest charges.....	\$2,769,100	\$2,557,511	\$2,578,155	\$2,348,179	\$2,373,885	\$2,411,185	\$2,440,233	\$2,540,840	\$2,731,880	
Per cent of gross income.....	79.0%	64.1%	59.0%	49.6%	43.3%	40.5%	40.3%	39.3%	34.8%	
Per cent of increase or decrease:										
Compared with preceding year.....		D 7.6%	0.8%	D 8.9%	1.1%	1.6%	1.2%	4.1%	7.5%	
Compared with first year of series.....		D 7.6%	D 6.8%	D 15.4%	D 14.5%	D 13.9%	D 11.9%	D 8.8%	D 1.4%	

Other deductions from gross income.	\$131,920	\$144,336	\$127,551	\$63,630	\$91,043	\$100,145	\$250,130	\$456,303	\$687,710
Per cent of gross income.	3.8%	3.6%	2.9%	1.4%	1.3%	1.7%	4.2%	7.1%	8.8%
Per cent of increase or decrease:									
Compared with preceding year	.....	7.8%	D 11.6%	D 60.1%	27.4%	23.6%	155.8%	78.2%	50.7%
Compared with first year of series	.....	7.8%	D 4.7%	D 53.6%	D 59.5%	D 36.3%	91.8%	240.8%	413.5%
Net income.	\$302,676	\$1,335,939	\$1,667,503	\$2,319,533	\$3,021,935	\$3,439,161	\$3,853,930	\$3,462,891	\$4,427,577
Per cent of gross income.	17.2%	33.3%	33.1%	49.0%	55.2%	57.8%	55.5%	53.6%	56.4%
Per cent of increase or decrease:									
Compared with preceding year	.....	113.4%	29.7%	30.1%	30.3%	13.8%	D 2.5%	3.1%	27.9%
Compared with first year of series	.....	113.4%	176.7%	284.9%	401.4%	470.6%	457.3%	474.6%	634.7%
Dividends during year.	\$351,123	\$544,079	\$956,271	\$1,120,484	\$1,226,719	\$1,335,083	\$1,433,933	\$1,399,773	\$1,674,166
Per cent of gross income	13.7%	18.6%	21.9%	23.7%	23.4%	22.4%	23.8%	21.7%	21.3%
Per cent of increase or decrease:									
Compared with preceding year	.....	D 1.5%	75.8%	17.3%	9.5%	8.8%	7.8%	D 2.7%	19.6%
Compared with first year of series	.....	D 1.5%	73.5%	103.3%	122.6%	143.2%	161.1%	154.0%	203.8%

Taxes, gas.....	\$305,649	\$335,146	\$347,404	\$364,985	\$449,157	\$469,815	\$513,209	\$549,871	\$611,604
Per cent of gas operating revenues.....	5.9%	6.0%	5.8%	5.9%	6.3%	6.6%	6.5%	6.8%	6.9%
Per cent of increase or decrease:									
Compared with preceding year.....	.....	6.4%	6.8%	10.8%	16.7%	11.3%	8.7%	5.9%	11.4%
Compared with first year of series.....	.....	6.4%	13.7%	26.0%	46.9%	53.5%	69.5%	79.6%	100.1%
Gas operating income.....	\$1,622,321	\$1,841,710	\$2,120,054	\$2,194,028	\$2,265,235	\$2,092,919	\$2,247,347	\$2,573,931	\$2,697,625
Per cent of gas operating revenues.....	31.2%	34.0%	35.3%	33.8%	31.5%	27.8%	28.6%	31.8%	30.3%
Per cent of increase or decrease:									
Compared with preceding year.....	.....	13.5%	15.1%	3.5%	3.3%	D 7.6%	7.4%	14.5%	4.8%
Compared with first year of series.....	.....	13.5%	30.7%	35.3%	29.7%	29.0%	38.5%	58.7%	68.3%
Other operations, net revenue.....	\$206,440	\$353,333	\$377,454	\$375,191	\$396,483	\$423,442	\$392,000	\$302,314	\$238,936
Non-operating income.....	\$220,109	\$407,594	\$501,624	\$549,352	\$554,172	\$396,912	\$431,757	\$464,898	\$417,359
Gross income.....	\$4,435,955	\$5,074,243	\$5,979,429	\$6,590,896	\$7,140,403	\$7,250,502	\$7,861,914	\$9,159,441	\$9,817,822
Per cent of increase or decrease:									
Compared with preceding year.....	.....	14.4%	17.8%	10.2%	8.3%	1.5%	8.4%	16.5%	7.2%
Compared with first year of series.....	.....	14.4%	34.8%	48.6%	61.0%	63.4%	77.2%	106.5%	121.3%
Interest charges.....	\$2,771,825	\$2,991,664	\$3,177,196	\$3,894,604	\$3,947,783	\$4,010,330	\$4,289,320	\$4,585,358	\$4,599,361
Per cent of gross income.....	62.5%	59.0%	53.1%	59.1%	55.3%	55.3%	54.6%	50.1%	46.8%
Per cent of increase or decrease:									
Compared with preceding year.....	.....	7.9%	6.2%	22.6%	1.4%	1.6%	7.0%	6.9%	0.3%
Compared with first year of series.....	.....	7.9%	14.6%	40.5%	42.4%	44.7%	54.7%	65.4%	65.9%
Other deductions from gross income.....	\$39,491	\$35,983	\$94,616	\$141,526	\$135,432	\$156,249	\$198,795	\$191,707	\$262,781
Per cent of gross income.....	0.9%	0.7%	1.6%	2.1%	1.9%	2.2%	2.5%	2.1%	2.7%
Per cent of increase or decrease:									
Compared with preceding year.....	.....	D 8.9%	182.9%	49.6%	D 4.3%	15.4%	27.2%	D 9.8%	37.1%
Compared with first year of series.....	.....	D 8.9%	189.6%	258.4%	242.9%	285.7%	403.4%	385.4%	585.4%
Net income.....	\$1,624,639	\$2,046,593	\$2,707,615	\$2,554,789	\$3,057,189	\$3,083,969	\$3,373,795	\$4,382,380	\$4,955,680
Per cent of gross income.....	36.6%	40.3%	45.3%	38.8%	42.8%	42.5%	42.9%	47.8%	50.6%
Per cent of increase or decrease:									
Compared with preceding year.....	.....	26.0%	32.3%	D 5.6%	19.7%	0.9%	9.4%	29.9%	13.1%
Compared with first year of series.....	.....	26.0%	66.7%	57.3%	85.2%	89.5%	107.7%	189.7%	205.0%
Dividends during year.....	\$1,199,013	\$871,907	\$1,567,753	\$2,823,413	\$2,424,795	\$2,233,089	\$3,527,897	\$5,709,811	\$2,929,015
Per cent of gross income.....	27.0%	17.2%	26.2%	43.8%	34.0%	30.8%	46.1%	62.3%	29.8%
Per cent of increase or decrease:									
Compared with preceding year.....	.....	D 27.3%	79.8%	80.1%	D 14.1%	D 7.9%	62.5%	57.4%	D 48.7%
Compared with first year of series.....	.....	D 27.3%	30.8%	135.5%	102.2%	86.2%	202.6%	376.2%	144.3%

LXXXVIII PUBLIC SERVICE COMMISSION, SECOND DISTRICT

COAL GAS AND WATER GAS CORPORATIONS having revenues of \$25,000 or over: Results of operations, totals summarized by years.
D prefixed to a figure indicates a decrease.

Item	Years ended December 31,									
	1908	1909	1910	1911	1912	1913	1914	1915	1916	
Number of corporations reporting.....	15	14	15	14	11	11	12	12	13	
Coal gas and water gas operating revenues.....	\$1,844,007	\$1,820,209	\$2,009,843	\$1,986,705	\$1,915,407	\$1,984,728	\$2,134,629	\$2,116,046	\$2,363,352	
Per cent of increase or decrease:										
Compared with preceding year.....		D 1.5%	10.4%	D 1.2%	D 3.8%	3.6%	7.6%	D 0.9%	11.7%	
Compared with first year of series.....		D 1.5%	9.0%	7.7%	3.9%	7.6%	15.8%	14.7%	28.2%	
Coal gas and water gas operating expenses and uncollectible bills.....	\$1,082,463	\$1,049,909	\$1,145,850	\$1,174,741	\$1,171,704	\$1,280,007	\$1,425,980	\$1,334,249	\$1,541,088	
Per cent of coal gas or water gas operating revenues.....	58.7%	57.7%	57.0%	59.1%	61.2%	64.5%	66.8%	63.1%	65.2%	
Per cent of increase or decrease:										
Compared with preceding year.....		D 2.0%	9.1%	2.5%	D 0.5%	9.2%	11.4%	D 6.4%	15.5%	
Compared with first year of series.....		D 2.0%	5.9%	8.5%	8.3%	18.2%	31.7%	23.3%	42.4%	
Taxes, coal gas and water gas.....	\$113,843	\$105,331	\$123,436	\$125,300	\$123,632	\$126,418	\$137,365	\$139,925	\$155,268	
Per cent of coal gas or water gas operating revenues.....	6.2%	5.8%	6.1%	6.3%	6.4%	6.4%	6.4%	6.6%	6.6%	
Per cent of increase or decrease:										
Compared with preceding year.....		D 7.5%	17.2%	1.5%	D 1.3%	2.3%	8.6%	1.9%	11.0%	
Compared with first year of series.....		D 7.5%	8.4%	10.1%	8.6%	11.0%	20.7%	22.9%	36.4%	
Coal gas or water gas operating income. Per cent of coal gas or water gas operating revenues.....	\$647,792	\$664,972	\$740,559	\$686,665	\$691,991	\$678,306	\$571,295	\$641,870	\$607,004	
Per cent of increase or decrease:										
Compared with preceding year.....		2.7%	11.4%	D 7.3%	D 9.7%	D 6.7%	D 1.8%	12.4%	3.9%	
Compared with first year of series.....		2.7%	14.3%	6.0%	D 4.3%	D 10.7%	D 11.8%	D 0.9%	3.0%	
Other operations, net revenue.....	\$40,947	\$45,545	\$51,458	\$35,225	\$27,489	\$19,918	\$10,756	\$7,774	\$9,586	
Non-operating income.....	\$18,120	\$15,772	\$9,370	\$6,165	\$9,105	\$10,407	\$9,762	\$9,482	\$14,187	
Gross income.....	\$706,859	\$726,288	\$801,387	\$728,057	\$656,584	\$698,628	\$591,816	\$659,127	\$680,729	
Per cent of increase or decrease:										
Compared with preceding year.....		2.7%	10.3%	D 9.2%	D 9.8%	D 7.3%	D 2.8%	11.4%	4.8%	
Compared with first year of series.....		2.7%	13.4%	3.0%	D 7.1%	D 13.9%	D 16.3%	D 6.8%	D 3.5%	

Interest charges	\$491,755	\$498,391	\$513,722	\$498,445	\$499,004	\$498,021	\$521,978	\$545,111	\$577,714
Per cent of gross income	60.6%	68.6%	64.1%	68.5%	71.5%	80.2%	88.2%	82.7%	83.6%
Per cent of increase or decrease:									
Compared with preceding year	..	1.3%	3.1%	D 3.0%	D 5.8%	3.9%	7.0%	4.4%	6.0%
Compared with first year of series	..	1.3%	4.5%	D 1.4%	D 4.6%	D 0.8%	6.1%	10.8%	17.5%
Other deductions from gross income	\$22,231	\$21,718	\$17,173	\$8,578	\$12,808	\$16,829	\$19,144	\$12,648	\$8,142
Per cent of gross income	3.1%	3.0%	2.1%	1.2%	1.9%	2.7%	3.2%	1.9%	1.2%
Per cent of increase or decrease:									
Compared with preceding year	.....	D 3.3%	D 80.9%	D 50.1%	44.2%	38.1%	13.8%	D 33.9%	D 36.6%
Compared with first year of series	.....	D 3.5%	D 28.7%	D 61.4%	D 44.5%	D 24.5%	D 13.8%	D 43.1%	D 63.4%
Net income	\$192,381	\$206,179	\$270,490	\$221,083	\$174,524	\$103,779	\$50,889	\$101,368	\$104,988
Per cent of gross income	27.3%	28.4%	33.5%	30.3%	26.6%	17.1%	8.5%	15.4%	15.2%
Per cent of increase or decrease:									
Compared with preceding year	.....	6.9%	31.2%	D 18.9%	D 31.1%	D 40.5%	D 51.2%	100.0%	3.5%
Compared with first year of series	.....	6.9%	40.2%	14.6%	D 9.5%	D 46.5%	D 73.7%	D 47.4%	D 46.6%
Dividends during year	\$96,543	\$95,223	\$74,229	\$108,860	\$101,047	\$99,217	\$108,632	\$235,735	\$135,128
Per cent of gross income	13.7%	13.1%	9.3%	16.0%	15.4%	16.3%	18.4%	36.8%	19.6%
Per cent of increase or decrease:									
Compared with preceding year	.....	D 1.4%	D 28.0%	46.7%	D 7.8%	D 1.8%	9.5%	117.0%	D 48.7%
Compared with first year of series	.....	D 1.4%	D 23.1%	12.8%	4.7%	2.8%	12.5%	144.2%	40.0%

NATURAL GAS CORPORATIONS having revenues of \$25,000 or over: Results of operations, totals summarized by years.
D prefixed to a figure indicates a decrease.

Item	Years ended December 31,									
	1908	1909	1910	1911	1912	1913	1914	1915	1916	
Number of corporations reporting.....	19	16	16	19	18	15	16	16	16	
Natural gas operating revenues	\$5,857,881	\$5,733,001	\$6,375,354	\$6,581,986	\$6,149,620	\$4,878,189	\$5,290,168	\$5,141,680	\$5,568,882	
Per cent of increase or decrease:										
Compared with preceding year.....		<i>D 2.1%</i>	11.2%	3.2%	<i>D 6.6%</i>	<i>D 20.7%</i>	8.4%	<i>D 2.8%</i>	8.3%	
Compared with first year of series....		<i>D 2.1%</i>	8.8%	12.4%	6.0%	<i>D 16.7%</i>	<i>D 9.7%</i>	<i>D 18.2%</i>	<i>D 4.9%</i>	
Natural gas operating expenses and uncollectible bills	\$3,337,114	\$2,791,131	\$3,319,109	\$3,811,238	\$3,047,460	\$2,682,278	\$2,656,680	\$2,621,057	\$2,674,963	
Per cent of natural gas operating revenues.....	57.0%	48.7%	52.1%	57.9%	49.6%	55.0%	50.2%	51.0%	48.0%	
Per cent of increase or decrease:										
Compared with preceding year.....		<i>D 16.4%</i>	18.9%	14.8%	<i>D 20.0%</i>	<i>D 12.0%</i>	<i>D 1.0%</i>	<i>D 1.9%</i>	2.1%	
Compared with first year of series....		<i>D 16.4%</i>	<i>D 0.8%</i>	14.2%	<i>D 8.7%</i>	<i>D 19.6%</i>	<i>D 20.4%</i>	<i>D 21.5%</i>	<i>D 19.5%</i>	
Taxes, natural gas	\$221,948	\$205,688	\$241,680	\$245,009	\$202,601	\$197,032	\$220,893	\$196,700	\$311,741	
Per cent of natural gas operating revenues	3.8%	3.6%	3.8%	3.7%	3.3%	4.0%	4.2%	3.8%	5.6%	
Per cent of increase or decrease:										
Compared with preceding year.....		<i>D 7.5%</i>	17.5%	1.4%	<i>D 17.5%</i>	<i>D 2.8%</i>	12.1%	<i>D 11.0%</i>	58.5%	
Compared with first year of series....		<i>D 7.5%</i>	8.9%	10.4%	<i>D 8.7%</i>	<i>D 11.2%</i>	<i>D 0.5%</i>	<i>D 11.4%</i>	40.5%	
Natural gas operating income.....	\$2,295,822	\$2,736,186	\$2,814,564	\$2,525,740	\$2,899,468	\$1,998,882	\$2,412,595	\$2,322,828	\$2,582,171	
Per cent of natural gas operating revenues.....	39.2%	47.7%	44.1%	38.4%	47.1%	41.0%	45.6%	45.2%	46.4%	
Per cent of increase or decrease:										
Compared with preceding year.....		19.0%	2.9%	<i>D 10.5%</i>	14.8%	<i>D 31.1%</i>	20.7%	<i>D 4.7%</i>	11.1%	
Compared with first year of series....		19.0%	22.4%	9.9%	26.1%	<i>D 15.0%</i>	4.9%	1.1%	12.3%	
Other operations, net revenue.	\$1,413	\$14,700	\$40,598	\$38,716	\$28,320	\$79,582	\$37,226	\$23,840	\$47,336	
Non-operating income.	\$71,021	\$68,419	\$57,711	\$68,509	\$61,882	\$39,953	\$29,766	\$29,513	\$64,735	
Gross income	\$2,371,256	\$2,819,304	\$2,912,865	\$2,632,965	\$2,989,669	\$2,118,395	\$2,479,588	\$2,376,977	\$2,694,241	
Per cent of increase or decrease:										
Compared with preceding year.....		18.9%	3.3%	<i>D 9.6%</i>	13.5%	<i>D 29.1%</i>	17.1%	4.1%	13.3%	
Compared with first year of series....		18.9%	22.8%	11.0%	26.1%	<i>D 10.7%</i>	4.6%	0.2%	13.6%	

Interest charges.....	\$308,152	\$176,201	\$164,853	\$140,260	\$118,650	\$89,942	\$134,931	\$135,846	\$118,700
Per cent of gross income.....	8.8%	6.3%	5.7%	5.3%	4.0%	4.2%	5.5%	5.7%	4.4%
Per cent of increase or decrease:									
Compared with preceding year.....	.....	D 16.8%	D 6.4%	D 14.9%	D 16.4%	D 24.8%	50.0%	0.7%	D 12.6%
Compared with first year of series.....	.....	D 16.5%	D 20.8%	D 33.6%	D 43.0%	D 66.8%	D 36.8%	D 34.7%	D 43.0%
Other deductions from gross income.....									
Per cent of gross income.....	\$136,529	\$76,167	\$67,588	\$53,573	\$77,395	\$82,091	\$20,578	\$22,526	\$12,023
Per cent of increase or decrease:	5.7%	2.7%	2.3%	2.0%	2.6%	3.9%	0.8%	1.0%	0.4%
Per cent of increase or decrease:									
Compared with preceding year.....	.....	D 44.8%	D 11.3%	D 20.7%	44.5%	6.1%	D 74.9%	9.5%	D 46.6%
Compared with first year of series.....	.....	D 44.8%	D 60.6%	D 60.8%	D 43.3%	D 39.9%	D 84.9%	D 83.6%	D 91.8%
Net income.....	\$2,026,576	\$2,566,937	\$3,680,428	\$2,439,131	\$2,793,623	\$1,946,362	\$2,324,076	\$2,218,600	\$2,563,519
Per cent of gross income.....	85.5%	91.0%	92.0%	92.7%	93.4%	91.9%	93.7%	93.3%	95.2%
Per cent of increase or decrease:									
Compared with preceding year.....	.....	26.7%	4.4%	D 9.0%	14.5%	D 30.3%	19.4%	D 4.6%	15.5%
Compared with first year of series.....	.....	26.7%	32.3%	20.4%	37.8%	D 4.0%	14.7%	9.5%	26.5%
Dividends during year.....	\$1,615,900	\$1,569,582	\$1,379,664	\$1,618,224	\$1,953,845	\$637,107	\$908,760	\$1,154,775	\$3,726,735
Per cent of gross income.....	68.1%	55.7%	47.4%	61.5%	65.3%	30.1%	36.6%	48.6%	138.3%
Per cent of increase or decrease:									
Compared with preceding year.....	.....	D 2.9%	D 18.1%	17.3%	20.7%	D 67.4%	42.6%	27.1%	222.7%
Compared with first year of series.....	.....	D 2.9%	D 14.6%	0.1%	20.9%	D 60.6%	D 45.8%	D 28.6%	130.6%

xcii PUBLIC SERVICE COMMISSION, SECOND DISTRICT

TELEPHONE CORPORATIONS: Results of operations, totals summarized by years.
D prefixed to a figure indicates a *decrease*.

Item	Years ended December 31,				
	1912	1913	1914	1915	1916
Number of corporations reporting.....	129	109	102	102	100
Telephone operating revenues.....	\$64,648,381	\$69,118,723	\$70,415,705	\$75,055,682	\$86,732,906
Per cent of increase or decrease:					
Compared with preceding year.....		6.9%	1.9%	6.6%	15.6%
Compared with first year of series.....		6.9%	8.9%	16.1%	34.2%
Telephone operating expenses.....	\$36,998,481	\$41,107,881	\$43,086,223	\$44,750,024	\$49,335,441
Per cent of telephone operating revenues.....	57.2%	59.5%	61.2%	59.6%	56.9%
Per cent of increase or decrease:					
Compared with preceding year.....		11.1%	4.8%	3.9%	10.2%
Compared with first year of series.....		11.1%	16.5%	20.9%	33.3%
Net other operating revenues.....		\$6,456	\$10,828	\$2,465	\$746
Uncollectible operating revenues.....	\$414,377	\$317,944	\$339,067	\$368,729	\$423,304
Per cent of telephone operating revenues.....	0.6%	0.5%	0.5%	0.5%	0.5%
Per cent of increase or decrease:					
Compared with preceding year.....		<i>D</i> 23.3%	6.6%	8.7%	14.8%
Compared with first year of series.....		<i>D</i> 23.3%	<i>D</i> 18.2%	<i>D</i> 11.0%	2.2%
Taxes assignable to telephone operations.....	\$3,582,888	\$3,889,673	\$4,092,214	\$4,350,369	\$5,181,815
Per cent of telephone operating revenues.....	5.6%	5.6%	5.8%	5.8%	6.0%
Per cent of increase or decrease:					
Compared with preceding year.....		8.6%	5.2%	6.3%	19.1%
Compared with first year of series.....		8.6%	14.2%	21.4%	44.6%
Telephone operating income.....	\$23,652,638	\$23,809,681	\$22,887,973	\$25,589,029	\$31,793,088
Per cent of telephone operating revenues.....	36.6%	34.4%	32.5%	34.1%	36.6%
Per cent of increase or decrease:					
Compared with preceding year.....		0.7%	<i>D</i> 3.9%	11.8%	24.2%
Compared with first year of series.....		0.7%	<i>D</i> 3.2%	8.2%	34.4%
Non-operating income....	\$35,113,575	\$38,128,206	\$37,747,416	\$36,597,019	\$37,487,030
Gross income.....	\$58,766,219	\$61,937,891	\$60,635,378	\$62,186,051	\$69,280,117
Per cent of increase or decrease:					
Compared with preceding year.....		5.4%	<i>D</i> 2.1%	2.6%	11.4%
Compared with first year of series.....		5.4%	3.2%	5.8%	17.9%
Interest charges.....	\$9,768,001	\$12,152,231	\$12,641,012	\$10,675,146	\$10,076,382
Per cent of gross income....	16.6%	19.6%	20.9%	17.2%	14.6%
Per cent of increase or decrease:					
Compared with preceding year.....		24.4%	4.0%	<i>D</i> 15.6%	<i>D</i> 5.6%
Compared with first year of series.....		24.4%	29.4%	9.3%	3.2%

TELEPHONE CORPORATIONS: Results of operations, totals summarized by years (concluded).
D prefixed to a figure indicates a decrease.

Item	Years ended December 31,				
	1912	1913	1914	1915	1916
Other deductions from gross income.....	\$2,078,387	\$2,534,417	\$2,681,805	\$2,773,605	\$3,622,049
Per cent of gross income..	3.5%	4.1%	4.4%	4.4%	5.2%
Per cent of increase or decrease:					
Compared with preceding year.....		21.9%	5.8%	3.4%	30.6%
Compared with first year of series.....		21.9%	29.0%	33.4%	74.3%
Net income.....	\$46,919,828	\$47,251,277	\$45,312,559	\$48,737,304	\$55,581,688
Per cent of gross income...	79.9%	76.3%	74.7%	78.4%	80.2%
Per cent of increase or decrease:					
Compared with preceding year.....		0.7%	D 4.1%	7.6%	14.0%
Compared with first year of series.....		0.7%	D 3.4%	3.9%	18.5%
Dividends during year....	\$36,506,689	\$37,525,236	\$37,677,188	\$39,259,728	\$41,251,839
Per cent of gross income...	62.1%	60.6%	62.1%	63.1%	59.5%
Per cent of increase or decrease:					
Compared with preceding year.....		2.8%	0.4%	4.2%	5.1%
Compared with first year of series.....		2.8%	3.2%	7.5%	13.0%

APPENDIX B

COST OF FUEL FOR STEAM POWER USED IN GENERATING ELECTRICITY.

APPENDIX B

COST OF FUEL FOR STEAM POWER USED IN GENERATING ELECTRICITY.

Comparison of cost of fuel for steam power used in generating electricity and pounds of coal used per kilowatt hour generated, for years ended December 31, 1916, 1915, 1914, 1913, and 1912. The companies named have revenues over \$25,000 per annum, and the figures given are taken from their reports (continued).

Rank in order of fuel cost (a)	Name of corporation (b)	Year (c)	Units of electricity generated by steam power (d)	Coal used for steam power in generating electricity ¹ (e)	Av. lbs. of coal used per kw.h. generated (f)	Av. fuel cost			Av. cost per kw.h. purchased (j)	Per cent of total kw.h.			Ratio of fuel expense to production expense (n)
						Fuel expense for steam power ¹ (g)	Per short ton coal used (h)	Per kw.h. generated by steam (i)		Generated by steam (k)	Generated by water (l)	Purchased (m)	
		(c)	Kw. hours	Pounds	Pounds	Dollars	Dollars	Cents	Cents	%	%	%	%
A. Corporations generating electricity largely by steam power (continued):													
18	Freeport (municipal plant).....	1916	1,125,249	5,640,320	5.01	8,433	2.99	0.75	.....	100	.....	.....	44.1
		1915	1,052,046	5,956,160	5.66	14,089	4.73	1.34	.....	100	.....	.....	58.9
		1914	1,249,407	5,920,320	4.74	10,229	3.46	0.82	.....	100	.....	.....	50.3
		1913	1,160,000	4,600,000	3.97	7,213	3.14	0.62	.....	100	.....	.....	40.3
20	Sayre Electric.....	1916	2,949,962	13,636,140	4.62	18,311	2.69	0.62	.....	100	.....	.....	55.0
		1915	3,052,855	12,855,100	4.21	16,235	2.53	0.53	.....	100	.....	.....	54.7
		1914	3,065,149	13,532,640	4.41	16,681	2.47	0.54	.....	100	.....	.....	60.6
		1913	2,936,895	12,766,000	4.35	13,735	2.15	0.47	.....	100	.....	.....	56.5
		1912	2,869,829	13,132,000	4.58	13,021	1.98	0.45	.....	100	.....	.....	58.7
21	Olean Electric, Light and Power....	1916	7,637,900	35,184,860	4.61	44,818	2.55	0.59	.....	100	.....	.....	69.3
		1915	5,756,300	26,533,240	4.61	28,913	2.18	0.50	.....	100	.....	.....	62.5
23	Cortland County Traction.....	1916	4,091,316	18,316,000	4.48	28,965	3.16	0.71	.....	100	.....	.....	66.4
		1915	3,743,095	16,336,000	4.36	23,687	2.90	0.63	.....	100	.....	.....	71.7
		1914	2,786,954	12,924,000	4.64	17,189	2.66	0.62	.....	100	.....	.....	64.9
		1913	2,537,341	11,742,000	4.63	15,617	2.66	0.62	.....	100	.....	.....	65.3
		1912	2,274,705	10,826,000	4.76	13,749	2.54	0.60	.....	100	.....	.....	63.2
24	Orange and Rockland Electric.....	1916	1,690,375	7,484,520	4.43	13,198	3.53	0.78	.....	100	.....	.....	60.8
		1915	1,742,325	6,638,000	3.81	9,694	2.92	0.56	.....	100	.....	.....	53.9
		1914	2,202,760	6,978,640	3.17	10,419	2.98	0.47	.....	100	.....	.....	52.1
		1913	2,473,000	6,245,100	2.53	9,099	2.91	0.37	.....	100	.....	.....	57.1
25	LeRoy Hydraulic Electric Gas.....	1916	2,023,446	8,882,040	4.39	13,187	2.97	0.65	.....	99.1	0.9	.....	60.2
		1915	1,904,676	7,795,000	4.09	10,075	2.59	0.53	.....	99.0	1.0	.....	56.4
27	Upper Hudson Electric and Railroad..	1916	1,041,734	4,466,000	4.29	9,358	4.19	0.90	.....	51.4	48.6	.....	48.4
		1915	1,071,830	3,782,000	3.53	6,948	3.67	0.65	.....	49.0	51.0	.....	44.5
		1914	1,390,071	5,750,000	4.14	10,512	3.66	0.76	.....	71.6	28.4	.....	56.0
		1913	1,131,200	4,678,000	4.14	8,462	3.61	0.75	54.1	45.9	50.5
		1912	1,425,608	5,782,000	4.06	8,601	2.97	0.60	66.8	33.2	47.9

APPENDIX B: COST OF FUEL

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26	Long Island Lighting.....	1916	5,545,329	23,130,000	4.10	33,811	2.93	0.60	3.00	99.5	0.5	60.9
		1915	4,274,793	18,204,940	4.26	34,358	2.68	0.57	3.00	97.8	.....	3.2	53.0
		1914	2,554,035	9,900,380	3.90	14,285	2.87	0.56	3.00	98.8	.....	1.2	53.9
		1913	2,140,838	9,343,180	4.36	13,303	2.85	0.62	3.00	99.1	.....	0.9	49.6
		1912	1,285,103	9,912,007	7.71	18,908	3.83	1.43	2.96	92.0	.....	8.0	53.4
30	Patebogue Electric Light.	1916	1,074,990	4,304,000	3.99	9,947	4.63	0.93	.....	100	.....	.....	59.1
		1915	897,720	4,302,000	4.79	8,856	4.12	0.99	.....	100	.....	.....	58.7
		1914	745,770	4,352,000	5.84	8,706	4.00	1.17	.....	100	.....	.....	63.8
		1913	688,090	3,900,000	5.67	6,590	3.38	0.96	.....	100	.....	.....	57.3
		1912	590,160	3,600,000	6.10	7,170	3.98	1.21	.....	100	.....	.....	62.3
32	Jamestown (municipal plant).....	1916	2,224,340	8,736,000	3.93	11,116	2.54	0.50	.....	100	.....	.....	50.3
		1915	2,399,610	8,776,000	3.66	9,266	2.11	0.39	.....	100	.....	.....	45.9
		1914	2,083,140	11,476,000	5.53	12,429	2.17	0.60	.....	100	.....	.....	48.5
		1913	2,000,180	11,022,000	5.51	13,986	2.36	0.65	.....	100	.....	.....	56.7
		1912	1,909,360	10,672,000	5.43	12,334	2.31	0.63	.....	100	.....	.....	55.6
33	Dunkirk (municipal plant).....	1916	2,514,950	9,848,000	3.92	12,803	2.60	0.51	.....	100	.....	.....	56.4
		1915	1,611,354	7,052,000	4.38	7,898	2.24	0.49	.....	100	.....	.....	48.3
		1914	1,514,625	8,922,900	5.99	12,080	2.71	0.80	.....	100	.....	.....	58.0
		1913	1,527,265	8,630,000	5.65	11,583	2.68	0.75	.....	100	.....	.....	60.6
		1912	1,390,475	8,956,000	6.45	11,417	2.55	0.82	.....	100	.....	.....	64.7
34	Neenan Light and Power.....	1916	8,842,500	33,552,796	3.79	54,298	3.24	0.61	6.95	99.8	.....	0.2	55.3
		1915	8,276,200	32,261,496	3.90	43,927	2.72	0.53	8.39	99.8	.....	0.2	57.5
		1914	7,554,700	28,628,988	3.79	39,483	2.76	0.52	10.20	99.9	.....	0.1	62.3
		1913	7,099,800	28,560,696	4.02	39,271	2.75	0.56	8.88	99.9	.....	0.1	60.4
		1912	6,270,500	25,747,126	4.11	35,402	2.75	0.56	.....	100	.....	.....	55.7

* Numbered in order of average pounds of coal used in 1916 per kilowatt hour generated as shown in column (f), the corporation showing the largest average consumption being given the number "1". Evidently includes in some cases fuel used in keeping up steam in steam plant while used only as a reserve source of power, and fuel used in Steam Heating department. ¹ Reports are for years beginning March 1 of the calendar year shown in column (c). ² Average cost per ton of coal received during year. ³ Figures are based on lighting and railroad reports combined. ⁴ The reported fuel expense is evidently an apportionment to the Light and Power department, representing fuel expense only for energy used or sold by that department. The figures used here are not the reported fuel expense but an estimate based on reported number of tons of coal used at reported average price per ton of coal received. ⁵ Based on fuel expense as reported charged to Lighting department, not as shown in column (g).

PUBLIC SERVICE COMMISSION, SECOND DISTRICT

Comparison of cost of fuel for steam power used in generating electricity and pounds of coal used per kilowatt hour generated, for years ended December 31, 1916, 1915, 1914, 1913, and 1912. The companies named have revenues over \$25,000 per annum, and the figures given are taken from their reports (continued).

Rank in order of fuel use (a)	Name of corporation (b)	Year (c)	Units of electricity generated by steam power (d)	Coal used for steam power in generating electricity (e)	Av. lbs. of coal used per kw.h. generated (f)	Av. fuel cost		Av. cost per kw.h. purchased (j)	Per cent of total kw.h.			Ratio of fuel expense to production expense (m)
						Per short ton coal used (h)	Per kw.h. generated by steam (i)		Generated by steam (k)	Generated by water (l)	Purchased (n)	
			Kw. hours	Pounds	Pounds	Dollars	Cents	Cents	%	%	%	%
A. Corporations generating electricity largely by steam power (continued):												
35	Rockland Light and Power.....	1916	7,477,797	28,363,020	3.79	32,334	0.43	.....	100	.....	.....	51.3
		1915	7,318,157	32,861,480	4.49	35,464	0.50	.....	100	.....	.....	51.3
		1914	6,947,282	45,442,680	6.54	51,333	0.74	4.21	99.5	.....	0.5	51.7
		1913	4,354,976	33,794,940	6.75	37,095	0.87	.....	100	.....	.....	58.4
		1912	4,043,832	30,582,300	7.55	27,945	0.69	.....	100	.....	.....	58.9
37	Blghampton Light, Heat and Power.	1916	10,737,091	34,146,300	3.18	53,252	0.50	2.00	99.7	.....	0.3	71.1
		1915	6,639,954	31,288,300	3.66	39,957	0.47	.....	100	.....	.....	68.1
		1914	7,783,919	26,262,000	3.37	36,057	0.49	.....	100	.....	.....	64.2
		1913	7,292,777	30,038,400	4.12	36,701	0.50	.....	100	.....	.....	63.9
		1912	6,208,040	25,239,600	4.06	28,036	0.45	.....	100	.....	.....	63.0
39	Central Hudson Gas and Electric....	1916	20,909,410	99,106,400	2.84	88,190	0.42	0.58	97.0	.....	3.0	58.8
		1915	15,570,610	58,565,600	3.76	87,118	0.56	0.59	90.2	.....	9.8	54.3
		1914	12,499,460	60,690,700	4.86	90,408	0.72	0.52	82.4	.....	17.6	60.0
		1913	11,182,760	50,815,300	4.50	77,127	0.69	0.59	88.4	.....	11.6	56.2
		1912	9,798,810	45,468,400	4.64	75,154	0.77	0.60	64.8	.....	35.2	48.6
43	Elmira Water, Light and Railroad .	1916	35,205,520	75,948,600	2.14	98,479	0.28	.....	100	.....	.....	78.5
		1915	26,768,260	54,442,000	2.03	59,614	0.22	.....	100	.....	.....	67.6
		1914	24,847,440	66,429,820	2.67	86,092	0.35	.....	100	.....	.....	59.8
		1913	19,523,350	88,502,900	4.53	104,498	0.54	.....	100	.....	.....	60.8
		1912	16,428,450	74,062,000	4.51	81,487	0.50	.....	100	.....	.....	68.4
Totals.....		1916	180,776,164	474,512,519	3.68	698,216	0.53	.....	.....	.....	.....	.....
		1915	108,835,439	424,244,304	3.90	561,612	0.52	.....	.....	.....	.....	.....
		1914	88,991,815	383,785,768	4.32	530,868	0.60	.....	.....	.....	.....	.....
		1913	76,530,559	384,471,645	4.76	490,661	0.64	.....	.....	.....	.....	.....
		1912	63,346,162	323,413,033	5.11	420,958	0.66	.....	.....	.....	.....	.....

APPENDIX B: COST OF FUEL

[illegible]

* Numbered in order of average pounds of coal used in 1916 per kilowatt hour generated as shown in column (f), the corporation showing the largest average consumption being given the number 1. Evidently includes in some cases fuel used in keeping up steam in steam plant while used only as a reserve source of power, and fuel used in Steam Heating department. 14 In addition to coal, 118,416 gallons of water gas tar were used, no allowance for which is made in this column. 15 Includes cost of 113,416 gallons of water gas tar estimated at 14 cents per gallon. * Earhuden 3480 k.w.h. generated at stand-by station. No record was kept of the amount of coals used in generating this current. 17 In addition to coal, 19,493 gallons of fuel oil were used in 1913, and 44,394 gallons in 1912; these have been converted to their equivalents in coal and added to coal given, on the assumption that one gallon of fuel oil is equivalent to 11½ pounds of coal.

Comparison of cost of fuel for steam power used in generating electricity and pounds of coal used per kilowatt hour generated, for years ended December 31, 1916, 1915, 1914, 1913, and 1912. The companies named have revenues over \$25,000 per annum, and the figures given are taken from their reports (concluded).

Rank in order of fuel use* (a)	Name of corporation (b)	Year (c)	Units of electricity generated by steam power (d) Kw. hours	Coal used for steam power in generating electricity ¹ (e) Pounds	Av. lbs. of coal used per kw.h. generated (f) Pounds	Fuel expense for steam power ¹ (g) Dollars	Av. fuel cost		Av. cost per kw.h. purchased (j) Cents	Per cent of total kw.h.			Ratio of fuel expense to production expense (m) %	
							Per short ton coal used (h) Dollars	Per kw.h. generated by steam (i) Cents		Gene- rated by steam (k) %	Gene- rated by water (l) %	Pur- chased (m) %		
C. Corporations purchasing over 50 per cent of electricity sold:														
1	Lockport Light, Heat and Power...	1916	1,272,721	20,962,700	16.47	31,126	2.97	2.45	0.38	6.8	12.7	80.5	25.6	
		1915	2,161,740	20,081,600	9.29	28,162	2.80	1.30	0.42	13.7	13.9	72.4	26.3	
		1914	2,346,620	19,732,800	8.41	28,267	2.87	1.20	0.38	15.5	15.3	69.2	28.8	
		1913	2,034,811	18,088,000	8.89	26,340	2.91	1.29	0.34	12.3	6.1	81.6	31.8	
		1912	2,179,710	18,072,800	8.29	25,870	2.86	1.19	0.35	12.5	4.9	82.6	28.3	
8	Empire Gas and Electric.....	1916	9,762,522	75,942,000	7.78	106,394	2.80	1.09	0.73	39.0	0.4	60.6	40.1	
		1915	3,732,611	27,148,000	7.27	32,801	2.42	0.88	0.63	33.6	.....	66.4	34.0
		1914	3,856,030	30,201,800	7.83	39,210	2.59	1.02	0.73	39.8	.....	60.2	40.2
		1913	5,067,144	34,799,800	6.87	42,677	2.45	0.84	0.76	49.0	.....	51.0	43.2
		1912	3,857,029	35,204,840	9.13	45,440	2.58	1.18	0.67	44.7	.....	55.3	48.3
10	Port Jervis Light and Power.....	1916	1,007,880	7,205,580	7.15	7,674	2.13	0.76	0.75	40.3	.....	59.7	29.6
		1915	1,016,269	13,018,700	12.81	13,576	2.09	1.34	0.75	52.7	.....	47.3	46.0
		1914	1,671,713	13,525,880	8.09	14,326	2.12	0.86	0.75	81.9	.....	18.1	51.7
		1913	1,166,193	11,276,000	9.67	11,462	2.03	0.98	0.75	61.8	.....	38.2	44.9
		1912	1,033,925	8,217,000	7.95	9,232	2.25	0.89	0.75	58.6	.....	41.4	41.3
16	Westchester Lighting.....	1916	5,014,465	26,900,160	5.36	33,873	2.52	0.68	0.62	18.1	.....	81.9	15.7
		1915	18,484,330	71,480,640	3.87	84,826	2.37	0.46	1.14	85.4	.....	14.6	47.5
		1914	16,348,641	64,877,120	3.97	74,048	2.29	0.45	1.91	86.6	.....	13.4	40.3
		1913	16,542,566	71,975,680	4.35	80,251	2.23	0.49	.....	100	.....	.....	43.3
		1912	14,154,463	64,326,080	4.54	78,882	2.45	0.56	0.88	77.0	.....	23.0	46.8
19	Syracuse Lighting.....	1916	14,377,705	71,672,100	4.98	118,862	3.50	0.80	0.49	20.0	.....	80.0	19 24.3
		1915	15,407,781	63,302,300	4.11	87,891	3.53	0.55	0.54	29.8	.....	70.2	19 23.8
		1914	9,227,690	49,495,005	5.36	71,281	3.67	0.76	0.57	21.2	.....	78.8	20.2
		1913	7,357,718	60,891,000	8.28	81,865	3.55	1.10	0.60	17.4	.....	82.6	21.8
		1912	5,741,568	59,436,520	10.35	80,390	3.51	1.38	0.65	15.6	84.4	22.7	

APPENDIX B: COST OF FUEL

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36	Fulton Light, Heat and Power.....	1916	734,600	2,380,000	3.24	4,244	3.67	0.58	0.84	25.4	0.4	74.2	15.9
		1915	2,703,439	10,064,920	3.72	13,039	2.59	0.48	...	96.2	3.8	...	54.1
		1914	3,010,126	11,263,400	3.73	14,598	2.59	0.48	...	100	...	...	53.7
		1913	2,634,950	12,066,700	4.59	15,801	2.57	0.59	...	100	...	...	54.7
		1912	1,831,650	8,806,000	4.53	10,694	2.57	0.56	...	85.5	14.5	...	52.1
40	Niagara, Lockport and Ontario Pr...	1915	18,239,150	50,508,339	2.77	74,741	2.95	0.41	0.21	4.3	29.9	65.8	10.2
		1915	2,971,550	11,531,046	3.88	13,655	2.37	0.46	0.22	1.1	25.9	73.0	2.7
		1914	6,132,803	23,507,238	3.83	31,818	2.66	0.51	0.23	2.3	12.6	85.1	6.1
		1913	11,299,568	43,561,622	3.85	51,902	2.38	0.45	0.27	3.8	...	90.2	6.2
		1912	1,923,537	5,844,914	3.04	7,714	2.64	0.40	0.27	0.8	...	90.2	1.1
41	Buffalo General Electric.....	1916	3,327,900	7,240,000	2.18	9,412	2.60	0.26	0.39	1.0	...	99.0	0.7
	Totals.....	1916	53,736,943	262,810,879	4.89	386,326	2.94	0.72	...	...	...	...	...
		1915	46,477,770	216,627,228	4.66	273,950	2.53	0.59	...	...	...	...	...
		1914	42,563,122	212,593,243	4.99	273,048	2.57	0.54	...	...	...	...	...
		1913	46,092,950	252,648,902	5.43	309,998	2.45	0.67	...	...	...	...	...
		1912	30,721,832	199,408,154	6.49	258,222	2.59	0.84	...	...	...	...	...
	Grand totals.....	1916	276,716,311	1,068,315,024	3.85	1,843,230	3.08	0.59	...	...	...	...	...
		1915	202,319,529	825,127,863	4.08	1,088,207	2.64	0.54	...	...	...	...	...
		1914	193,415,857	849,165,531	4.39	1,164,259	2.74	0.60	...	...	...	...	...
		1913	173,935,974	884,632,181	5.09	1,175,896	2.65	0.68	...	...	...	...	...
		1912	129,863,130	740,524,319	5.70	975,005	2.63	0.75	...	...	...	...	...

* Numbered in order of average pounds of coal used in 1916 per kilowatt hour generated as shown in column (f), the corporation showing the largest average consumption being given the number "1". Evidently includes in some cases fuel used in keeping up steam in steam plant while used only as a reserve source of power, and fuel used in Steam Heating department. * Average cost per ton of coal received during year. † Excludes 478,365 kw.h. generated by 218,038 gallons of fuel oil in 1916, 476,529 kw.h. generated by 160,021 gallons of gas oil in 1915, 85,754 kw.h. generated by 27,845 gallons of gas oil and 27,877 gallons of tar oil in 1914, 95,000 kw.h. generated by 41,197 gallons of gas oil and 31,623 gallons of tar oil in 1913, and 96,741 kw.h. generated by 109,975 gallons of crude oil in 1912. ‡ Based on fuel expense as reported, not as estimated for column (g).

APPENDIX C

ACCIDENTS, STEAM RAILROADS, YEAR ENDED JUNE 30, 1917.

[cv]

PERSONAL INJURIES received while on or about trains, but not resulting from an accident to a train.

Kind	Num- ber	Passengers		Persons carried under contract		Employees		Trespassers		Non- trespassers		Total	
		Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Falling from engines, trains, or cars	354	2	13	.....	1	18	272	22	26	.....	4	42	312
Getting on or off trains while in motion	347	7	25	.....	1	11	208	30	62	1	.....	49	298
Getting on or off trains not in motion	155	.....	86	.....	.....	.....	70	.....	1	.....	.....	.....	157
Injured while getting on or off trains by turn- ing ankle, etc.	180	.....	11	.....	.....	.....	109	.....	.....	.....	.....	.....	180
Coming in contact with overhead bridges, wires, etc.	45	.....	.....	.....	.....	5	29	3	8	.....	.....	8	37
Striking signal poles, water cranes, coaling sta- tions, or other fixed objects adjacent to tracks	73	.....	.....	.....	.....	4	67	.....	2	.....	.....	4	69
Striking switch stands or interlocking appli- ances	23	1	.....	.....	.....	.....	20	.....	2	.....	.....	1	22
Striking misplaced portions of passing cars or cars not into clear	13	.....	.....	.....	.....	.....	13	.....	.....	.....	.....	.....	13
Coming in contact with cars, etc., on adjacent tracks in proper position	59	.....	.....	.....	.....	3	54	1	.....	.....	1	4	55
Coming in contact with broken or misplaced portions of cars on adjacent tracks	2	.....	.....	.....	.....	.....	2	.....	.....	.....	.....	.....	2
Coming in contact with other objects alongside of track	6	.....	.....	.....	.....	.....	6	.....	.....	.....	.....	.....	6
Coming in contact with objects because of put- ting heads or arms out of windows	16	.....	.....	.....	.....	1	15	.....	.....	.....	.....	1	16
Injured by missiles thrown through cars or through windows	3	.....	2	.....	.....	.....	1	.....	.....	.....	.....	.....	3
Injured by windows falling	14	.....	12	.....	1	.....	1	.....	.....	.....	.....	.....	14
Injured by parcels, bags, suit cases, etc., falling out of racks	2	.....	2	.....	.....	.....	.....	.....	.....	.....	.....	.....	2
Falling over bags, parcels, suit cases, etc., placed in aisles	8	.....	8	.....	.....	.....	.....	.....	.....	.....	.....	.....	8
Injured by doors closing on fingers (passenger cars), etc.	52	.....	35	.....	3	.....	14	.....	.....	.....	.....	.....	52
Injured by doors closing on fingers (freight cars)	14	.....	.....	.....	.....	.....	14	.....	.....	.....	.....	.....	14
Injured while coupling or uncoupling cars	119	.....	.....	.....	.....	6	113	.....	.....	.....	.....	6	119
Caught between cars, buffer plates, couplings, etc.	47	.....	.....	.....	.....	6	29	2	7	2	1	10	37
Minor injuries to employees from handling equipment where no defect existed	749	.....	.....	.....	.....	.....	749	.....	.....	.....	.....	.....	749
Resulting from setting or releasing hand-brakes, no defect in equipment	86	.....	.....	.....	.....	2	86	.....	.....	.....	.....	1	85
Resulting from an emergency application of brakes	27	5	1	25	31

APPENDIX C: ACCIDENTS

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[illegible]

PERSONAL INJURIES received while on track or adjacent thereto, either from contact with train or other causes.

Struck while on track by train	606	3	23	115	136	227	97	21	35	346	291
Suicide	10	1	1	3	7	45	4	1	10	12	12
Alighting from train directly in front of another	16	1	1	7	1	3	5	1	53	8	8
Found dead on track, definite cause unknown	53	1	1	2	1	3	17	11	22	11	11
Found injured on track, definite cause unknown	8	1	1	2	1	3	17	11	22	11	11
Pedestrians at unprotected highway crossings	32	1	1	2	1	3	17	11	22	11	11
Pedestrians at highway grade crossings protected by bells	7	1	1	2	1	3	17	11	22	11	11
Pedestrians at highway grade crossings protected by flagmen	27	1	1	5	3	1	12	6	12	12	12
Pedestrians at highway grade crossings protected by gates	30	1	1	1	1	12	6	4	7	16	14
Vehicles at unprotected highway grade crossings	154	1	1	1	1	1	2	50	113	51	116
Vehicles at highway grade crossings protected by bells	44	1	1	1	1	1	2	12	26	13	28
Vehicles at highway grade crossings protected by flagmen	61	1	1	1	3	1	1	8	47	8	50
Vehicles at highway grade crossings protected by gates	25	1	1	1	1	1	1	1	20	1	20
Resulting from vehicles running into sides of train	64	1	1	1	1	1	1	6	54	6	54
Coming in contact with crossing gates	1	1	1	1	1	1	1	1	1	1	1
Resulting from catching foot in frog	3	1	1	1	3	1	1	1	1	1	1
Resulting from catching foot in guard-rail	2	1	1	1	2	1	1	1	1	1	1
Resulting from catching foot in switch or accessories	1	1	1	1	1	1	1	1	1	1	1
Resulting from catching foot in other track appliances	4	1	1	1	2	1	1	1	1	1	1

APPENDIX C: ACCIDENTS

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[illegible]

DERAILMENTS to freight trains.

[illegible]

DERAILMENTS to freight trains (concluded).

Cause	Passengers		Persons carried under contract		Employees		Trespassers		Non-trespassers		Total	
	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Running off details, failure of brakes to hold	4											
Running off details, failure to begin to stop early enough	2											
Defective locomotive brakes	2											
Defective or broken locomotive machinery	3											
Defective or broken locomotive trucks	4						1					1
Defective or broken locomotive draft rigging	2											
Defective or broken locomotive wheels	7											
Defective or broken freight-car brakes	202						9	1				10
Old or weak car bodies	17											
Defective or broken freight-car trucks	109	1					5					6
Defective or broken freight-car rigging	153						3					3
Defective or broken freight-car wheels	134						2					2
Defective or hot freight-car journals	66											
Defective or broken freight-car axles	7											
Running off dead ends or into bumping blocks	17						6					6
Foreign matter or snow and ice on trucks	36	1				1	7				1	9
Emergency or heavy application of air-brakes	31			2								2
Buckling of trunks or slack running in train parting	18						5					5
Rough handling or switching	2											
Excessive speed	2						1					1
Apparent malicious tampering	4											
Unknown or unascertainable cause	3											
Other miscellaneous accidents	25					1	6				1	6
	7						2					2
Totals	1,086	2		3		2	67	1		3	2	76

BUTTING COLLISIONS between passenger trains and freight trains.

[illegible]

BUTTING COLLISIONS between freight trains.

[illegible]

[illegible]

REAR-END COLLISIONS between passenger trains.

	2	1	1	1	1	5	0
Disobedience of rules.....							
Switch misplaced or incorrectly set.....							
Failure to observe cars or train on sidetrack.....							
Other miscellaneous accidents.....							
Totals.....	5	1	1	1	1	5	0

REAR-END COLLISIONS between passenger trains and freight trains.

	1	2	3	4	5	6	7	8	9	0
Disobedience of orders ..	1									
Disobedience of signals ..	3									
Disobedience of rules ..	1									
Short or improper flagging ..	1									
Failure to observe train because of smoke, steam, fog, or snow ..	1									
Careless running ..	3	2								2
Defective or inoperative air-brakes ..	1					1				1
Totals.....	11	2				3	7		3	0

REAR-END COLLISIONS between freight trains.

Disobedience of signals.....	4
Disobedience of rules.....	9
Improper signal displayed or incorrect instruction given.....	2
Switch misplaced or incorrectly set.....	11
Misunderstanding signals or wrong signals given.....	1
Short or improper flagging.....	19
Failure to observe train, account of smoke, steam, fog, or snow.....	4
Not obeying instructions or warning.....	1
Careless running.....	37
Total.....	87

REAR-END COLLISIONS between freight trains (continued).

Cause	Num- ber	Passengers		Persons carried under contract		Employees		Trespassers		Non- trespassers		Total	
		Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Poor judgment of distance	2					1	2					1	2
Failure to observe cars or trains on sidetrack	4												
Defective or inoperative air-brakes	1												
Failure of hand-brakes to hold	2				1								1
Failure to set hand-brakes	2												
Train in advance stopped suddenly by parting,	1						2						2
collided with by pusher following	1						2						2
Train beyond control on level & grade	1												
Cars starting on heavy grade and colliding with	1						1						1
others on same track	12												
Breaking in two and coming together again	8						3						3
Other miscellaneous accidents													
Totals	122				2	4	58		1		3	4	64

SIDE COLLISIONS between passenger trains.

Lack of proper protection	1												
Switch set wrong	1												
Careless running	1												
Cars, etc., not into clear	1												
Totals	4												

SIDE COLLISIONS between passenger trains and freight trains.

Disobedience of signals	5		49				1						54
Disobedience of rules	1		2										2
Lack of proper protection	1		3				2						3
Careless running	2						1						5
Cars, etc., not into clear	2												1
Miscellaneous accidents	1												
Totals	12		54			1	8					2	62

SIDE COLLISIONS between freight trains.

Disobedience of signals	8						1						1
Disobedience of rules	1												
Switch set wrong	7						2						2
Misunderstanding signals	6						1						1

APPENDIX C: ACCIDENTS

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COLLISIONS at grade crossings, steam with electric railroads.

[illegible]

COLLISIONS with movable objects on wheels adjacent to tracks.

7	1	3	3	7
Baggage trucks etc., not into clear								

SWITCHING COLLISIONS between locomotives.

[illegible]

SWITCHING COLLISIONS between passenger trains.

[illegible]

SWITCHING COLLISIONS between freight trains.

Cause	Num- ber	Passengers		Persons carried under contract		Employees		Trespassers		Non- trespassers		Total	
		Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Switch misplaced or incorrectly set.....	6	..	..	..	..	..	3	..	..	..	..	..	3
Misunderstanding signals	2	..	..	..	..	..	..	..	..	..	..	..	..
Short or improper flagging	1	..	..	..	..	..	2	..	..	..	..	..	2
Not obeying instructions or warnings	1	..	..	..	..	..	..	..	..	..	..	..	..
Careless running	3	..	..	..	..	..	..	..	..	..	..	..	..
Failure to observe cars or trains on sidetrack	2	..	..	..	..	..	3	..	..	..	..	..	3
Failure of hand brakes to hold	3	..	..	..	..	..	1	..	..	..	..	..	1
Failure to set handbrakes	2	..	..	..	..	..	1	..	..	..	..	..	1
Breaking in two and coming together again	2	..	..	..	..	..	1	..	..	..	..	..	1
Cars pushed heavily into others or shoved against bumping posts	65	..	..	..	2	..	16	..	..	..	17	2	35
Cars colliding while being bumped or switched hard into other cars	62	..	1	..	..	..	27	..	..	..	1	..	29
Cars, etc., not into clear	1	..	..	..	..	..	..	..	..	..	..	..	..
Totals.....	153	..	1	..	2	..	54	2	..	..	18	2	75

COLLISIONS with hand cars.

[illegible]

ACCIDENTS to equipment not involving derailments or collisions.

<i>Locomotive</i>	No.	Date	Description	Miles run	Hrs. running	Days' work	Value at time	Cost of repairs	Total value
Flue bursting	8	1	.....	..	..	..	..	..	..
Flue bursting or pulling out	1	1	.....	..	..	..	..	..	..
Arcuate tubes bursting	1	1	.....	..	..	..	..	..	..
Water glasses bursting	1	1	.....	..	..	..	..	..	..
Steam pipe connections coming loose	2	2	.....	..	..	..	..	..	..
Squirt pipe breaking off or bursting	2	2	.....	..	..	..	..	..	..
Steam pipe packing blowing out	1	1	.....	..	..	..	..	..	..
Crown sheets dropping, due to low water	6	1	.....	..	..	..	..	..	..
Lubricating glass bursting.	2	2	.....	..	..	..	..	..	..
Lubricator blowing out	2	2	.....	..	..	..	..	..	..
Bracket studs blowing out	2	2	.....	..	..	..	..	..	..
Other defective locomotive bolsters or fittings	2	2
Brake chains breaking	1	1
Angle cocks	1	1

APPENDIX C: ACCIDENTS

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[illegible]

Miscellaneous Accidents.

Cause	Num- ber	Passengers		Persons carried under contract		Employees		Trespassers		Non- trespassers		Total	
		Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured	Killed	Injured
Coming in contact with live overhead wires...	1	.....	.....	.....	.....	.....	1	.....	.....	.....	..	.....	1
Coming in contact with other wires carrying high tension current.	5	.....	.....	.....	.....	1	.....	.....	1	2	3	3	4
Other miscellaneous accidents	26	..	3	.....	1	4	18	.....	..	.....	1	4	23
Totals.....	32	.....	3	.....	1	5	19	.....	1	2	4	7	28

APPENDIX D

**BROKEN RAILS REPORTED FOR STEAM RAILROADS FOR THE YEARS
JULY 1, 1915, TO JUNE 30, 1916, AND JULY 1, 1916, TO
JUNE 30, 1917.**

BROKEN RAILS reported for steam railroads for the years July 1, 1915, to June 30, 1916, and July 1, 1916, to June 30, 1917.

Railroad	July		Aug.		Sept.		Oct.		Nov.		Dec.		Jan.		Feb.		Mar.		April		May		June		N. Y. state main track mileage
	1915	1916	1915	1916	1915	1916	1915	1916	1915	1916	1915	1916	1915	1916	1915	1916	1915	1916	1915	1916	1915	1916	1915	1916	
Boston and Albany.....	120.54
Boston and Maine.....	173.20
Buffalo, Rochester and Pittsburgh	219.46
Buffalo and Susquehanna.....	19.84
Central New England.....	219.37
Central New York Southern	29.20
Danville and Mount Morris.....	14.88
Delaware and Hudson.....	964.86
Delaware Lackawanna and Western	744.38
Delaware and Northern.....	45.89
Erie.....	1,417.67
Fonda, Johnstown and Gloversville	31.62
Grand Trunk.....	23.39
Greenwich and Johnsonville.....	21.15
Lehigh and Hudson River.....	25.20
Lehigh Valley.....	366.18
Long Island.....	587.36
New York Central.....	4,091.75
New York, Chicago and St. Louis	77.51
New York, New Haven and Hartford	233.97
New York, Ontario and Western	618.78
New York and Pennsylvania	27.28
Norwood and St. Lawrence.....	18.02
Pennsylvania.....	369.36
Pittsburg, Shawmut and Northern	89.99
Rutland.....	170.91
Ulster and Delaware.....	128.90
Totals	110	89	98	123	147	165	232	216	231	263	246	177	248	330	282	926	445	514	222	283	144	230	123	142	.....

APPENDIX E

INSPECTIONS OF GAS AND RESULTS OF TESTS FOR YEAR 1917.

[cxix]

CXX PUBLIC SERVICE COMMISSION, SECOND DISTRICT

TABLE I: For plants where daily tests of heating power are made by the corporation and checked at intervals by the Commission. Showing average heating power, variations, and deficiencies. It is required that the monthly average shall be not less than five hundred and eighty-five (585) British thermal units per cubic foot, and that the heating power shall not be more than five per cent below that value for any three successive days.

Place of test	Average B. t. u. for the year	Range of daily average, B. t. u.		Range of monthly average, B. t. u.		Deficiencies	
		Highest day in year	Lowest day in year	Highest month in year	Lowest month in year	Number of months deficient on average heating power	Number of times below 585 B. t. u. for three successive days
Albany.....	589	625	572	599	583	1	0
Amsterdam.....	597	650	559	621	584	1	0
Bay Shore.....	591	619	566	601	586	0	0
Binghamton.....	590	628	559	595	586	0	0
Buffalo.....	623	651	595	627	618	0	0
Canandaigua.....	602	661	570	607	598	0	0
Cohoes.....	574	624	528	594	562	6	1
Cortland.....	594	681	544	611	583	1	0
Fulton.....	590	637	505	599	582	3	0
Geneva.....	587	658	472	607	561	3	3
Glens Falls.....	587	632	531	597	579	2	0
Gloversville.....	586	613	564	595	581	2	0
Hempstead.....	585	619	541	590	574	4	0
Hudson.....	592	630	561	601	585	0	0
Huntington.....	592	632	565	597	588	0	0
Ithaca.....	603	673	539	621	593	0	0
Kingston.....	587	670	533	617	579	7	0
Lockport.....	590	641	512	601	583	3	0
Middletown.....	602	691	521	624	587	0	0
Mount Vernon.....	596	659	569	623	582	1	0
Newburgh.....	590	640	562	617	585	0	0
Niagara Falls.....	611	710	536	641	590	0	0
Norwich.....	601	627	570	618	587	0	0
Nyack.....	616	748	560	703	597	0	0
Ogdensburg.....	603	648	546	613	579	1	0
Oneida.....	596	628	576	599	594	0	1
Oneonta.....	599	666	420	624	584	1	0
Ossining.....	593	635	500	607	585	0	0
Oswego.....	612	663	536	626	591	0	0
Peekskill.....	597	627	574	614	590	0	0
Plattsburgh.....	684	747	638	691	673	0	0
Port Jervis.....	610	715	542	628	594	0	0
Poughkeepsie.....	589	623	567	602	585	0	0
Rochester.....	595	620	571	603	589	0	0
Rome.....	579	699	484	597	561	6	10
Sag Harbor.....	588	603	526	583	581	2	0
Saratoga Springs.....	591	661	508	599	579	1	0
Schenectady.....	590	626	539	597	584	1	0
Syracuse.....	596	668	560	617	580	2	0
Tarrytown.....	595	648	562	619	586	0	0
Tonawanda.....	578	649	475	593	565	7	0
Troy.....	597	633	571	618	587	0	0
Utica.....	589	618	533	593	583	1	0
Watertown.....	604	665	577	611	597	0	0
Waverly.....	613	677	559	630	588	0	0
White Plains.....	596	638	568	613	590	0	0
Yonkers.....	590	625	565	597	586	0	0

TABLE II: For plants of small size which are not required to make daily tests but where the heating power is inspected from time to time by the Commission. Showing the number of tests made since change to heating power standard, and a summary of the results. It is required that the average heating power shall be not less than five hundred and eighty-five (585) British thermal units per cubic foot.

Place of test	Num- ber of tests	Heating power (B. t. u.)			Number of tests showing less than 585 B. t. u.
		Maximum	Minimum	Average	
Albion.....	2	598	594	596	0
Bath.....	1	657	657	657	0
Beacon.....	5	641	592	613	0
Brockport.....	4	594	584	580	2
Canastota.....	3	512	494	504	3
Catskill.....	3	659	648	652	0
Clifton Springs.....	2	606	603	604	0
Corning.....	3	645	629	639	0
Danville.....	1	647	647	647	0
Geneseo.....	4	673	592	642	0
Glen Cove.....	8	584	541	564	8
Granville.....	4	619	552	592	1
Haverstraw.....	3	650	588	625	0
Malone.....	6	628	498	587	2
Mechanicville.....	3	628	569	597	1
Owego.....	3	709	667	689	0
Penn Yan.....	4	603	566	586	1
Rensselaer.....	3	582	562	569	3
Saranac Lake.....	4	586	532	564	2
Saugerties.....	4	734	640	676	0
Suffern.....	4	619	581	605	1
*Goshen.....	7	*16.6	*16.0	*16.3	†0
*Medina.....	3	*16.1	*14.7	*15.5	†2

* These two places have not changed to the heating power standard, and the figures shown represent candle-power.
† Number of times found below 16 (standard) candle-power.

TABLE III: Showing the number of tests made in each locality with respect to each of the factors shown, the number of deficiencies found, and a summary of the pressures obtaining at time of tests. The established standards prescribe a maximum of 30 grains of sulphur compounds and 10 grains of ammonia per 100 cubic feet of gas, and prohibit the presence of hydrogen sulphide.

Place of test	Number of tests for sulphur	Number of tests showing exces- sive sulphur	Number of tests for ammonia, hydrogen sulphide and pressure	Number of tests showing exces- sive am- monia	Number of tests showing presence of hydro- gen sul- phide	Pressure in inches of water		
						Highest	Lowest	Average
Albany.....	11	0	11	0	0	4.6	3.2	4.0
Albion.....	5	0	6	0	0	3.2	2.8	3.0
Amsterdam.....	8	0	8	0	0	2.7	2.7	2.2
Bath.....	4	0	6	0	0	4.2	3.0	3.4
Bay Shore.....	13	0	13	0	7	4.3	2.1	4.1
Beacon.....	6	0	6	0	3	3.6	2.5	2.9
Binghamton.....	7	0	9	0	0	5.3	4.0	4.4
Brockport.....	5	0	6	0	0	6.0	4.5	5.3
Buffalo.....	8	0	9	0	0	4.3	3.6	4.0
Canandaigua.....	7	0	9	0	0	5.1	3.5	4.2
Canastota.....	5	0	9	0	0	4.3	3.0	3.6
Catskill.....	5	1	5	0	1	4.4	3.4	3.7
Clifton Springs...	2	0	5	0	2	3.0	2.4	2.8
Cohoes.....	10	0	10	0	7	4.2	3.7	3.9
Corning.....	5	0	7	0	0	2.8	2.2	2.4
Cortland.....	0	1	9	1	0	3.8	2.0	3.2
Danville.....	5	0	7	0	0	4.0	2.8	3.2
Fulton.....	9	0	11	0	0	4.0	3.0	3.5
Geneseo.....	5	0	7	0	0	4.4	3.2	3.9
Geneva.....	0	0	11	0	4	5.0	2.5	4.4
Glen Cove.....	9	0	9	0	8	6.0	4.3	5.4
Glen Falls.....	7	1	8	0	0	5.5	3.8	4.6
Gloversville.....	9	0	8	0	3	4.6	3.2	3.8
Goshen.....	6	0	7	0	3	2.8	1.5	1.8
Granville.....	5	0	5	0	4	3.0	2.8	2.9

TABLE III: Showing the number of tests made in each locality with respect to each of the factors shown, the number of deficiencies found, and a summary of the pressures obtaining at time of tests. The established standards prescribe a maximum of 30 grains of sulphur compounds and 10 grains of ammonia per 100 cubic feet of gas, and prohibit the presence of hydrogen sulphide (concluded).

Place of test	Number of tests for sulphur	Number of tests showing excessive sulphur	Number of tests for ammonia, hydrogen sulphide and pressure	Number of tests showing excessive ammonia	Number of tests showing presence of hydrogen sulphide	Pressure in inches of water		
						Highest	Lowest	Average
Haverstraw.....	7	0	7	0	3	3.1	2.8	2.9
Hempstead.....	12	0	13	0	4	3.4	2.8	3.1
Hudson.....	9	0	10	0	5	4.0	2.8	3.4
Huntington.....	7	0	8	0	6	3.4	2.1	3.0
Ithaca.....	8	0	10	1	0	5.9	4.0	4.4
Kingston.....	7	0	8	0	1	5.5	3.6	4.8
Lockport.....	9	0	10	0	2	5.2	4.4	4.9
Malone.....	6	0	6	0	1	3.2	1.8	2.2
Mechanicville....	5	0	5	0	2	3.1	3.0	3.0
Medina.....	3	0	4	0	0	2.5	2.2	2.3
Middletown.....	8	0	8	0	0	4.3	2.9	4.0
Mount Vernon...	13	0	13	0	1	3.1	2.9	3.0
Newburgh.....	10	0	10	0	1	4.5	3.6	3.8
Niagara Falls....	10	0	11	0	1	3.6	2.0	2.7
Norwich.....	7	0	7	0	2	3.8	3.3	3.7
Nyack.....	9	0	10	0	1	3.6	2.9	3.2
Ogdensburg.....	5	0	6	0	0	3.2	2.8	3.1
Oneida.....	6	1	9	2	4	3.5	2.8	3.1
Oneonta.....	7	0	7	0	3	4.6	3.6	4.1
Ossining.....	10	0	11	0	2	3.6	2.9	3.2
Oswego.....	7	0	11	0	0	5.0	3.6	4.3
Owego.....	4	0	8	0	0	4.8	2.2	2.9
Peekskill.....	10	0	11	0	1	3.9	3.0	3.4
Penn Yan.....	6	0	8	0	0	3.2	2.2	3.0
Plattsburgh.....	6	0	6	0	1	3.6	3.2	3.3
Port Jervis.....	9	0	9	0	6	4.5	2.8	3.1
Poughkeepsie....	8	0	9	0	0	5.4	3.4	4.3
Rensselaer.....	5	0	5	0	3	3.5	3.2	3.4
Rochester.....	9	0	13	0	0	5.2	3.2	4.2
Rome.....	7	0	7	0	0	4.7	4.0	4.4
Sag Harbor.....	6	0	7	0	4	4.3	3.1	3.7
Saratoga Springs.	10	0	10	0	1	4.7	3.5	4.1
Saranac Lake....	5	0	5	0	4	3.8	3.2	3.5
Saugerties.....	5	1	5	0	0	4.4	3.8	4.1
Schenectady.....	6	0	9	0	1	5.6	3.5	4.4
Suffern.....	5	0	6	0	6	3.3	2.8	3.3
Syracuse.....	8	0	13	0	0	4.5	3.5	4.0
Tarrytown.....	11	0	12	0	1	4.0	3.1	3.5
Tonawanda.....	9	0	10	2	0	5.7	3.4	4.4
Troy.....	11	0	11	0	0	3.5	2.8	3.1
Utica.....	6	0	7	0	4	6.2	3.7	4.3
Watertown.....	6	0	6	0	1	4.8	3.8	4.2
Waverly.....	5	0	7	0	0	3.1	2.4	2.9
White Plains....	10	0	11	0	0	4.2	2.0	3.1
Yonkers.....	12	0	12	0	0	4.2	2.8	3.3

TABLE IV: Showing the kind of gas furnished in each municipality, and a summary of the tests made for sulphur and ammonia.

Place of test	Kind of gas	Gr. per 100 cu. ft. of gas				
		Sulphur			Ammonia	
		Highest	Lowest	Average	Highest	Lowest
Albany.....	Water.....	29.4	6.6	18.9	1.0	1.0
Albion.....	Coal.....	20.3	7.5	11.8	1.0	1.0
Amsterdam.....	Mixed.....	24.2	11.3	19.0	1.0	1.0
	Coal.....	29.4	27.4	28.4	1.0	1.0
Bath.....	Water.....	17.3	4.1	10.4	1.0	1.0
Bay Shore.....	Water.....	17.7	4.4	9.9	1.0	1.0
Beacon.....	Water.....	13.6	7.3	10.4	1.0	1.0
Binghamton.....	Water.....	17.1	2.8	10.5	1.0	1.0
Brockport.....	Coal.....	18.8	9.9	12.8	1.0	1.0
Buffalo.....	Mixed.....	20.3	5.2	9.0	1.0	1.0

TABLE IV: Showing the kind of gas furnished in each municipality, and a summary of the tests made for sulphur and ammonia (concluded).

Place of test	Kind of gas	Gr. per 100 cu. ft. of gas				
		Sulphur			Ammonia	
		Highest	Lowest	Average	Highest	Lowest
Canandaigua.....	Coal.....	15.3	4.4	9.2	1.0	1.0
Canastota.....	Coal.....	15.6	7.5	11.6	1.0	1.0
Catskill.....	Coal.....	34.2	13.4	20.8	1.0	1.0
Clifton Springs.....	Water.....	7.5	6.9	7.2	1.0	1.0
Cohoes.....	Water.....	24.2	10.4	19.6	1.0	1.0
Corning.....	Water.....	9.9	4.8	7.8	1.0	1.0
Cortland.....	Coal.....	32.9	4.8	12.9	11.1	1.0
Danville.....	Water.....	23.2	3.0	12.6	1.0	1.0
Fulton.....	Coal.....	26.7	6.2	12.8	1.0	1.0
Genesee.....	Coal.....	18.7	3.4	10.5	1.0	1.0
Geneva.....	Coal.....	28.2	6.9	14.9	1.0	1.0
Glen Cove.....	Water.....	13.4	6.2	9.1	1.0	1.0
Glens Falls.....	Coal.....	32.9	15.2	25.8	1.0	1.0
Gloversville.....	Water.....	15.4	4.8	8.6	1.0	1.0
Gothen.....	Coal.....	12.2	2.9	7.7	1.0	1.0
Granville.....	Water.....	25.7	8.5	13.7	1.0	1.0
Haverstraw.....	Water.....	18.5	3.8	11.2	1.0	1.0
Hempstead.....	Water.....	22.3	5.8	11.2	1.0	1.0
Hudson.....	Water.....	12.0	6.0	9.0	1.0	1.0
Huntington.....	Water.....	16.8	7.0	9.6	1.0	1.0
Ithaca.....	Coal.....	19.9	3.4	12.2	13.8	1.0
Kingston.....	Mixed.....	16.1	6.8	10.1	1.0	1.0
Lockport.....	Mixed.....	20.7	4.1	11.1	7.5	1.0
Malone.....	Coal.....	27.9	17.1	23.3	1.0	1.0
Mechanicville.....	Water.....	15.2	7.8	11.9	1.0	1.0
Medina.....	Coal.....	16.4	4.2	9.9	1.0	1.0
Middletown.....	Water.....	15.4	4.1	9.1	1.0	1.0
Mount Vernon.....	Water.....	21.8	4.4	9.4	1.0	1.0
Mount Vernon.....	Mixed.....	8.8	8.0	8.4	1.0	1.0
Newburgh.....	Water.....	18.5	4.8	9.6	1.0	1.0
Niagara Falls.....	Coal.....	23.0	3.4	9.1	1.0	1.0
Norwich.....	Water.....	17.5	4.2	10.7	1.0	1.0
Nyack.....	Water.....	11.9	5.1	8.2	1.0	1.0
Ogdensburg.....	Coal.....	21.2	9.2	15.9	1.0	1.0
Onesida.....	Coal.....	37.7	10.1	19.8	13.4	1.0
Onesonta.....	Water.....	21.1	6.4	9.3	1.0	1.0
Oswining.....	Water.....	14.3	5.2	9.2	1.0	1.0
Oswego.....	Coal.....	28.3	8.0	16.0	1.0	1.0
Owego.....	Coal.....	11.5	4.2	7.3	4.5	1.0
Peekskill.....	Water.....	12.4	6.1	8.9	1.0	1.0
Penn Yan.....	Coal.....	12.1	4.1	7.4	1.0	1.0
Plattsburgh.....	Water.....	12.3	8.9	10.9	1.0	1.0
Port Jervis.....	Water.....	14.0	4.3	10.9	1.0	1.0
Poughkeepsie.....	Water.....	20.3	7.6	10.2	1.0	1.0
Rensselaer.....	Water.....	15.7	5.6	10.3	1.0	1.0
Rochester.....	Mixed.....	22.3	7.3	12.1	1.0	1.0
Rochester.....	Coal.....	27.8	15.7	21.7	1.0	1.0
Rome.....	Mixed.....	19.1	10.3	13.9	1.0	1.0
Rome.....	Water.....	22.3	14.7	18.5	1.0	1.0
Sag Harbor.....	Water.....	23.1	3.8	13.3	1.0	1.0
Saratoga Springs.....	Water.....	15.6	2.4	8.9	1.0	1.0
Saranac Lake.....	Water.....	26.3	10.6	19.3	1.0	1.0
Saugerties.....	Coal.....	31.4	10.2	18.6	1.0	1.0
Schenectady.....	Mixed.....	18.3	8.1	11.9	1.0	1.0
Suffern.....	Water.....	16.7	4.7	11.3	1.0	1.0
Syracuse.....	Water.....	10.1	3.6	6.3	1.0	1.0
Tarrytown.....	Water.....	20.3	4.7	9.7	1.0	1.0
Tonawanda.....	Mixed.....	24.2	6.4	11.6	16.8	1.0
Troy.....	Water.....	14.4	4.4	9.5	1.0	1.0
Utica.....	Water.....	21.6	18.8	19.9	1.0	1.0
Watertown.....	Water.....	19.1	8.9	13.7	1.0	1.0
Waverly.....	Water.....	9.9	4.1	6.5	1.0	1.0
White Plains.....	Water.....	14.0	5.5	7.9	1.0	1.0
Yonkers.....	Water.....	11.7	2.8	8.1	1.0	1.0

APPENDIX F

TELEPHONE SERVICE TESTS.

cxxvi PUBLIC SERVICE COMMISSION, SECOND DISTRICT

TELEPHONE SERVICE TESTS Columns 4, 5, and 6 are elapsed time in seconds.

Name of company	Exchange	Total number of tests	Average answer	Average disconnection	Average recall
Allegany County Tel. Co.	Belfast	80	4.4	4.9	4.9
Allegany County Tel. Co.	Belmont	40	4.5	5.7	5.7
Allegany County Tel. Co.	Bolivar	95	3.9	7.1	7.1
Allegany County Tel. Co.	Cuba	50	4.1	5.	5.
Alexandria Bay Tel. Co.	Alexandria Bay	75	5.4	5.8	5.8
Brockport Tel. Co.	Brockport	80	4.5	.....	.....
Cattaraugus Union Tel. Co.	Cattaraugus	70	4.5	5.1	5.1
Cattaraugus Union Tel. Co.	East Otto	30	4.1	5.	5.
Cattaraugus Union Tel. Co.	Little Valley	55	4.4	4.8	4.8
Champlain Tel. Co.	Champlain	35	5.2	8.4	8.4
Champlain Tel. Co.	Moorea	35	4.5	5.4	5.4
Columbia Tel. Co. of Hudson	Hudson	45	4.3	5.	5.4
Farm & Village Tel. Co.	Groton	85	5.1	8.1	7.4
Farm & Village Tel. Co.	Moravia	85	4.5	5.	6.2
Federal Tel. & Tel. Co.	Charlotte	45	5.3	4.9	4.9
Federal Tel. & Tel. Co.	Clifton Springs	65	5.	5.3	5.3
Federal Tel. & Tel. Co.	Danville	75	4.	5.5	5.5
Federal Tel. & Tel. Co.	Genesee	50	4.3	5.2	5.2
Federal Tel. & Tel. Co.	Geneva	80	4.3	5.8	5.8
Federal Tel. & Tel. Co.	Mount Morris	45	4.4	4.9	4.9
Federal Tel. & Tel. Co.	Naples	38	5.5	10.4	10.4
Federal Tel. & Tel. Co.	Penn Yan	50	4.4	5.7	5.7
Federal Tel. & Tel. Co.	Pittsford	40	4.8	4.9	4.9
Glen Telephone Co.	Gloversville	44	5.4	6.7	8.1
Glen Telephone Co.	Johnstown	47	3.8	4.7	5.1
Glen Telephone Co.	Northville	19	4.5	3.5	7.2
Granville Tel. Co.	Granville	45	3.3	3.5	.....
Granville Tel. Co.	Whitehall	50	3.5	3.5	3.5
Interlaken Tel. Co.	Canandaigua	50	4.8	5.3	5.3
Keeseville Tel. Co.	Ausable Forks	65	4.	5.1	5.1
Keeseville Tel. Co.	Keeseville	50	4.1	10.4	5.
Lewis & Hall Tel. Co.	Manlius	15	5.	5.2	5.2
Marcellus Tel. Co.	Marcellus	45	4.5	5.8	6.8
Mayville Tel. Co.	Mayville	50	4.4	4.4	4.4
Mountain Home Tel. Co.	Canton	45	4.5	5.4	8.2
Mountain Home Tel. Co.	Chateaugay	75	5.7	9.	9.
Mountain Home Tel. Co.	Keene	45	5.9	7.1	7.1
Mountain Home Tel. Co.	Lake Placid	165	5.4	10.	13.3
Mountain Home Tel. Co.	Malone	180	4.7	12.4	11.1
Mountain Home Tel. Co.	Norwood	30	4.5	5.7	5.7
Mountain Home Tel. Co.	Ogdensburg	175	3.3	5.1	8.1
Mountain Home Tel. Co.	Plattsburgh	350	3.5	5.5	6.3
Mountain Home Tel. Co.	Saranac Lake	350	4.5	7.4	9.2
Mountain Home Tel. Co.	Tupper Lake	100	5.	6.1	7.9
New York Tel. Co.	Albion	175	3.9	4.	4.7
New York Tel. Co.	Amsterdam	35	3.4	5.5	4.7
New York Tel. Co.	Auburn	350	3.9	4.2	5.1
New York Tel. Co.	Avon	50	3.3	4.8	4.8
New York Tel. Co.	Baldwinsville	70	4.2	4.9	4.9
New York Tel. Co.	Barker	55	4.2	5.5	5.5
New York Tel. Co.	Brockport	25	4.3	.....	.....
New York Tel. Co.	Canandaigua	40	3.4	3.5	3.5
New York Tel. Co.	Charlotte	70	4.3	5.5	5.5
New York Tel. Co.	Cohoes	75	4.3	5.5	5.5
New York Tel. Co.	Dolgeville	35	3.9	4.5	4.5
New York Tel. Co.	Danville	55	4.5	5.	5.
New York Tel. Co.	East Aurora	80	4.3	4.4	4.4
New York Tel. Co.	Fairport	90	4.1	5.4	5.4
New York Tel. Co.	Fayetteville	20	5.1	5.1	.....
New York Tel. Co.	Frankfort	30	4.	4.2	.....
New York Tel. Co.	Freeport	20	5.4	.....	.....
New York Tel. Co.	Gasport	50	4.3	4.8	4.8
New York Tel. Co.	Genesee	65	4.1	4.5	4.5
New York Tel. Co.	Geneva	210	4.	4.5	4.5
New York Tel. Co.	Greenwich	70	5.2	6.5	5.5
New York Tel. Co.	Hamburg	75	4.1	4.5	4.5
New York Tel. Co.	Herkimer	55	4.4	4.5	.....
New York Tel. Co.	Horner	50	4.1	4.4	4.9
New York Tel. Co.	Hudson	50	4.5	4.4	.....
New York Tel. Co.	Ilion	50	3.3	4.2	4.2
New York Tel. Co.	Ithaca	150	4.4	5.1	5.1
New York Tel. Co.	Jordan	25	4.2	4.5	4.5
New York Tel. Co.	Lakewood	45	4.8	5.3	5.3
New York Tel. Co.	Lancaster	80	4.7	5.	.....

APPENDIX F: TELEPHONE SERVICE TESTS cxxvii

TELEPHONE SERVICE TESTS (concluded)
Columns 4, 5, and 6 are elapsed time in seconds.

Name of company	Exchange	Total number of tests	Average answer	Average disconnection	Average recall
New York Tel. Co.	Little Falls	50	3.8	4.7	4.7
New York Tel. Co.	Lockport	375	3.4	3.4	4.
New York Tel. Co.	Long Beach	20	6.		
New York Tel. Co.	McGraw	30	4.3	5.7	5.7
New York Tel. Co.	Medina	165	4.2	6.	7.7
New York Tel. Co.	Mexico	50	4.4	5.4	5.4
New York Tel. Co.	Moravia	35	5.1	7.2	7.2
New York Tel. Co.	Mt. Morris	65	4.1	5.4	5.4
New York Tel. Co.	Naples	35	5.7	7.8	7.8
New York Tel. Co.	Newfane	60	4.1	5.	5.
New York Tel. Co. (N. Y. City)	Audubon	50	2.8		
New York Tel. Co. (N. Y. City)	Bath Beach	25	2.8		
New York Tel. Co. (N. Y. City)	Cathedral	85	2.6		
New York Tel. Co. (N. Y. City)	Chelsea	80	3.7		
New York Tel. Co. (N. Y. City)	Coney Island	50	3.4		
New York Tel. Co. (N. Y. City)	Flatbush	100	3.5		
New York Tel. Co. (N. Y. City)	Fordham	50	3.2		
New York Tel. Co. (N. Y. City)	Hammels	57	9.8		
New York Tel. Co. (N. Y. City)	Harlem	85	2.6		
New York Tel. Co. (N. Y. City)	Intervale	108	4.9		
New York Tel. Co. (N. Y. City)	Kingsbridge	50	3.6		
New York Tel. Co. (N. Y. City)	Main	100	5.		
New York Tel. Co. (N. Y. City)	Madison Square	100	3.4		
New York Tel. Co. (N. Y. City)	Melrose	200	3.7		
New York Tel. Co. (N. Y. City)	Morningside	55	3.		
New York Tel. Co. (N. Y. City)	Murray Hill	100	5.7		
New York Tel. Co. (N. Y. City)	New Dorp.	85	4.7	4.8	4.8
New York Tel. Co. (N. Y. City)	Orchard	75	2.9		
New York Tel. Co. (N. Y. City)	St. Nicholas	50	3.3		
New York Tel. Co. (N. Y. City)	Tompkinsville	450	4.1	4.3	5.7
New York Tel. Co. (N. Y. City)	Tramont	185	3.7		
New York Tel. Co. (N. Y. City)	Westchester	100	3.7		
New York Tel. Co. (N. Y. City)	W. New Brighton	80	4.1	5.4	
New York Tel. Co. (N. Y. City)	Williamsbridge	50	3.4		
New York Tel. Co.	Niagara Falls	150	4.6	5.	5.
New York Tel. Co.	North Troy	80	3.7	4.2	4.2
New York Tel. Co.	Oswego	150	5.	4.9	4.9
New York Tel. Co.	Ovid	45	4.5	6.4	6.4
New York Tel. Co.	Penn Yan	35	4.6	6.1	
New York Tel. Co.	Rockville Center	20	6.1		
New York Tel. Co.	Salamanca	185	3.4	3.4	5.1
New York Tel. Co.	Scottsville	50	4.1	4.2	4.2
New York Tel. Co.	Seneca Falls	175	4.6	5.5	6.2
New York Tel. Co.	Skaneateles	70	5.6	5.3	6.3
New York Tel. Co.	Solvay	50	4.2	5.	5.
New York Tel. Co.	Syracuse, (James)	290	4.7	4.8	7.1
New York Tel. Co.	Syracuse, (Warren)	525	5.1	7.6	6.5
New York Tel. Co.	Tonawanda	175	4.5	4.2	7.3
New York Tel. Co.	Utica	200	5.2	7.2	7.3
New York Tel. Co.	Victor	35	4.		
New York Tel. Co.	Wantagh	20	6.1		
New York Tel. Co.	Waterloo	55	4.9	5.4	5.4
New York Tel. Co.	Watertown	100	5.1	5.5	5.5
New York Tel. Co.	Watervliet	80	4.6	5.3	5.3
New York Tel. Co.	Webster	65	4.2	5.3	5.3
New York Tel. Co.	Weedsport	70	4.6	6.1	6.1
New York Tel. Co.	Wilson	55	4.2	5.	
Northwestern Tel. & Tel. Co.	Carthage	31	9.	5.6	10.
Oswego County Ind. Tel. Co.	Fulton	70	4.4	4.6	4.6
Port Byron Tel. Co.	Port Byron	70	5.7	8.4	13.2
Red Jacket Tel. Co.	Manchester	40	4.3	5.2	5.2
Red Jacket Tel. Co.	Shortsville	40	4.	4.6	4.6
Seneca-Gorham Tel. Co.	Rushville	25	5.4	7.1	7.1
Trumansburg Home Tel. Co.	Interlaken	30	5.1	7.4	7.4
Union Tel. Co.	Olean	90	4.1	3.5	5.3
Wayne Tel. Co.	Clyde	65	4.2	4.6	4.6
Wayne Tel. Co.	Lyons	110	3.7	4.5	4.5
Wayne Tel. Co.	Macedon	25	3.2		
Wayne Tel. Co.	Newark	150	3.8	4.	4.
Wayne Tel. Co.	Palmyra	90	3.6	4.3	4.3
Wayne Tel. Co.	Sodus	55	3.8	4.8	
Wayne Tel. Co.	Williamson	45	4.4	4.1	4.1
Westfield Tel. Co.	Westfield	90	4.6	6.	6.

APPENDIX G

ORDERS, 1917

[1]

[Case No. 5801]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of December, 1916.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for a determination that public safety requires an alteration in the manner in which a highway known as highway No. 708, on route 7, section 1 (state highway), in the town of Unadilla, Otsego county, crosses the New York, Ontario and Western railway.

As a part of the improvement of state highway No. 708, on route 7, section 1, in the town of Unadilla, Otsego county, it is proposed to eliminate a grade crossing where said highway crosses the New York, Ontario and Western railway at what is locally known as Miller's crossing, situated approximately one mile north of Sidney station: the proposition being to divert the highway travel by means of new pieces of highway to a point approximately 1500 feet north of the present crossing, at which point it is to be carried over the grade of the railroad, the existing crossing to be abandoned as a public crossing for highway travel.

In order to carry out this project, the Highway Commission filed with this Commission a petition dated November 27, 1916, upon which subsequently a hearing was held at Albany on December 20th, at which time proofs of publication of notice of such hearing and of the personal service of such notice upon all of the interested property owners were made. At the hearing appeared J. H. Nuelle, general superintendent, and W. C. Heidenthal, engineer of maintenance of way, of the New York, Ontario and Western Railway Company; J. M. Hopkins and Robert Siver, supervisors; S. R. Lewis, county superintendent of highways, Otsego County; H. M. Quimby, town superintendent of highways, Town of Unadilla; William D. Hanford, secretary of the Unadilla Automobile Club; and H. L. Beatty, H. W. Bedell, and E. C. Burdick.

At this hearing no opposition to the proposed elimination and changes which are shown upon a portfolio of prints introduced in the evidence and marked "Exhibit No. One," hereinafter referred to, was made. Mr. Miller, an owner of property on both sides of the railroad, desired that a temporary highway to be provided during construction on the east bank of the Unadilla river be made a permanent private road, and that an embankment necessary to construct a portion of the northerly approach to the proposed overgrade crossing be held by a retaining wall. Upon the evidence submitted, the Commission has accordingly determined that the petition should be granted; and it is therefore hereby

Ordered: 1. That the grade crossing known as Miller's crossing of the New York, Ontario and Western railway be closed and discontinued, and that the highway travel be diverted therefrom by the construction of new pieces of highway on the east and west sides of the New York, Ontario and Western railway and an overgrade crossing located approximately 1500 feet northerly of the existing Miller's crossing.

The alignment of said new pieces of highway and the location of said new crossing shall be as shown upon the portfolio of plans in three sheets hereinbefore referred to and marked "Public Service Commission, Second District, December 20, 1916, Applicants Ex. No. One".

Beginning at a point in the center line of the existing state road designated on said map as station 28 plus 93, located about 500 feet easterly of Miller's

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crossing measured along the existing road, the new highway shall continue on a straight line, being a prolongation of the existing center line easterly thereof a distance of about 85 feet; thence curving to the right or north through an angle of 121 degrees and 6 minutes on a radius of 235.6 feet; thence tangent a distance of 369.5 feet; thence curving to the left through an angle of 23 degrees and 57 minutes on a radius of about 955.4 feet; thence tangent a distance of about 300 feet; thence curving to the left on a radius of about 220 feet through an angle of about 35 degrees; thence tangent across the railroad intersecting the existing track line on an angle of 30 degrees a distance of about 180 feet; thence curving to the right on a radius of about 220 feet through an angle of about 35 degrees; thence tangent to an intersection with the existing state highway on the west side of the tracks.

The bridge carrying the highway shall be 22 feet wide between curb lines, and so placed as to provide a vertical clearance above the top of rails of not less than 22 feet. On its solid concrete floor there shall be placed an asphalt block pavement. As little interference with views as possible should be caused by this bridge, and the structure shall be designed accordingly.

Beginning at station 28 plus 93, the point of departure from the existing highway on the east side of the tracks, proceeding northerly, the profile of the crown of the new road shall be as follows: vertical curve 100 feet long; descending 5 per cent a distance of about 56 feet; vertical curve 200 feet long; descending 2.4 per cent a distance of about 155 feet; vertical curve 200 feet long; ascending 7 per cent a distance of about 217 feet; vertical curve 200 feet long; descending 3 per cent a distance of about 257 feet; vertical curve 200 feet long; ascending 7 per cent a distance of about 108 feet; vertical curve 100 feet long; level across the bridge spanning the railroad a distance of about 212 feet; vertical curve 100 feet long; descending 8 per cent on the west side of the tracks a distance of about 415 feet; thence by vertical curves to join the surface of the existing highway.

The new highways and the approaches to the overgrade crossing herein provided for shall be graded in accordance with the standard sections adopted by the State Commission of Highways, said sections showing a width of 26 feet in embankments and 28 feet in cuts; these sections, however, to be increased to a 34-foot width on the curves immediately adjacent to the overgrade crossing on each side of the tracks, and on the curve between stations 23 and 28. The additional widening provided for shall be entirely on the inside of the curves.

A bituminous macadam roadway 14 feet wide shall be provided throughout the entire length of the improvement; said pavement likewise to be constructed in accordance with the specifications of the State Commission of Highways.

A retaining wall approximately 120 feet long shall be constructed on the west side of the tracks adjacent to the new highway embankment between stations 5 and 7, to prevent encroachment upon the lands of W. T. Miller, an adjacent property owner.

Temporary roadways leading to the existing grade crossing on both the east and west sides of the tracks to accommodate highway traffic during the construction period shall be provided, the cost thereof to be included as a part of the elimination cost. Guard-rails 23 feet apart, in accordance with the standards of the State Commission of Highways, shall be constructed on all embankments where they are 4 feet or more in height; this distance between guard-rails, however, to be increased to 31 feet on the curves immediately adjacent to the bridge, and between stations 23 and 28.

A private crossing to be used by W. T. Miller, owner of adjacent property on both sides of the railroad, at either the location of his existing private crossing or at the present highway grade crossing, shall be maintained.

Culverts and any other structures necessary for the proper support of the highway shall be provided.

The work shall be carried out substantially as shown upon general plans heretofore referred to as "Exhibit No. One," said plans being on file with this Commission.

2. That in accordance with the verbal agreement between the parties in respect of the cost of paving the new pieces of highway and the approaches to

the overgrade crossing as hereinbefore set forth, only the actual cost of paving the same with waterbound macadam shall be determined in the final accounting as chargeable to the elimination, and any and all excess cost of a bituminous macadam pavement over the cost of said waterbound macadam pavement shall be charged against and paid for by the State Commission of Highways.

[Case No. 3471]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 91 of the Railroad Law for the elimination of the Main Street grade crossing in the village of Fishkill Landing, Dutchess county, N. Y.

Reference is made to the general order of this Commission under date of July 17, 1915, in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled under date of October 15, 1913, determined and directed that a certain then existing grade crossing of The New York Central and Hudson River Railroad Company in the village of Fishkill Landing (now the city of Beacon) shall be closed and discontinued, and that there shall be constructed across the re-located railroad tracks a steel foot-bridge, and that a new highway bridge be constructed over said re-located tracks upon a continuation of Beekman street, and that other new streets be dedicated and improved; and incidental to such determination the Commission having by its other order under date of July 29, 1915, provided that from the funds theretofore appropriated by the Legislature to meet the share of the State in the cost of elimination of grade crossings and not at that time expended or segregated by this Commission there should be then segregated and set apart to the credit of grade crossing case No. 3471, above entitled, the sum of \$4200 to meet the State's share of the cost of the elimination in said case. And the completed work under said first mentioned order having been approved by the Commission under its order of January 7, 1916; and it now appearing from the final accounting rendered that the total cost of the work to the State is \$2162.33, leaving as a balance the sum of \$2037.67, it is now

Ordered: That all of the said unexpended balance, to wit the sum of \$2037.67, which remains to the credit of the Commission shall be re-transferred to the general fund appropriated by the Legislature for grade crossing purposes.

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[Case No. 5549]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the NORTHERN NEW YORK TRAFFIC ASSOCIATION, by Thomas G. Smiley, traffic manager, *against* THE NEW YORK CENTRAL RAILROAD COMPANY as to freight rates on paper.

For the reasons mentioned in the accompanying memorandum it is hereby

Ordered: That the complaint in the above entitled proceeding be and the same hereby is dismissed, and that the case be closed upon the records of the Commission.

[Case No. 5668]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of TRUCK GARDENERS OF SOUTH LIMA, Livingston county, *against* ERIE RAILROAD COMPANY, asking that a culvert under the railroad near South Lima station be enlarged.

Upon the facts found and conclusions reached in the accompanying Opinion of Commissioner Hodson, which is hereby approved and filed, it is

Ordered: That the complaint herein be and the same hereby is dismissed.

[Case No. 5753]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of Complaints as to proposed suspension of operation of the WELLSVILLE AND BUFFALO RAILROAD CORPORATION.

The Commission having considered the brief filed in support of the motion for rehearing made by the Susquehanna Chemical Company, and finding that no sufficient grounds have been shown for granting such rehearing, it was

Ordered: That the motion for rehearing be and the same hereby is denied.

[Case No. 5755]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of the BOARD OF SUPERVISORS OF ONONDAGA COUNTY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY (lessee Syracuse, Binghamton and New York Railroad) under section 91 of the Railroad Law as to the elimination of two highway grade crossings of the Syracuse, Binghamton and New York railroad in the county of Onondaga.

This joint petition was filed with the Commission October 28, 1916. It alleges that public safety requires an alteration in the manner of crossings, in the approaches, and in the location of two railroad crossings at grade located in Onondaga county, N. Y., at two points where the "Onativia-Apulia county road crosses the tracks of the Syracuse branch of The Delaware, Lackawanna and Western Railroad Company," such points being respectively 0.6 mile south of Onativia, N. Y., in the town of Lafayette (this crossing being known as the Onativia crossing), and 1.8 miles north of Apulia in the town of Fabius (this crossing being known as the June crossing).

It is further alleged that the petitioners herein have agreed upon a plan for the alteration and re-location of the said two crossings and method of payment of cost of the work involved, including the purchase of lands required, the agreement according to the petition being as follows:

The railroad company is to pay for the cost of all work within its right of way lines at the said two crossings, and make a cash payment to the treasurer of Onondaga County the sum of \$5000 upon the completion of the work and its acceptance by the Public Service Commission; the County of Onondaga to pay the cost of all work outside the right of way lines of the railroad, including the purchase of lands required.

Upon this petition the Commission held a hearing at Albany on December 21, 1916, at which E. W. Leavenworth, attorney, and F. L. Wheaton, division engineer, appeared for The Delaware, Lackawanna and Western Railroad Company; Charles S. Keller, supervisor, for the Town of Lysander; Michael G. Shea, supervisor, for the Town of Fabius; and Walter H. Scannell, supervisor, for the Town of Lafayette; at which time proof of publication of notice of this hearing and of personal service thereof on interested property owners was made. At this hearing were also introduced in the evidence plans showing in general the changes proposed at both crossings, and in detail the structures to be provided for their elimination: these plans being marked "Public Service Commission, Second District, December 21, 1916, Applicants Ex. No. 2."

There was also filed a copy of a contract, marked "Applicants Ex. No. 1," between The Delaware, Lackawanna and Western Railroad Company and the Syracuse, Binghamton and New York Railroad Company, and the Board of Supervisors of Onondaga County, providing for the following: "*First*, the county shall acquire the right, title, and interest in all lands required for such alteration of the two said crossings and pay all expenses in connection with the acquiring of such right, title, and interest, including damages to the affected property owners; *second*, the county shall, in accordance with the said plan as appears from the said blue-prints, re-locate the said county road and construct all necessary approaches to said crossings up to and as far as the right of way of the railroad companies, and shall furnish all labor and material required and pay all cost and expense in connection with such re-location and construction; *third*, the railroad companies shall, in accordance

with the said plan as appears from the said blue-prints, construct the two said crossings or such parts thereof as lie within the right of way of the railroad companies, and shall furnish all labor and material required and pay all cost and expense in connection with such construction; *fourth*, upon completion of the alteration of the two said crossings as herein provided and the acceptance of such completed work by the Public Service Commission of the State of New York for the Second District, the railroad companies shall pay to the treasurer of Onondaga County, New York, the sum of five thousand dollars (\$5000)."

No opposition having been made to either of the two projected plans, the Commission has accordingly determined that the petition should be granted, and it is therefore

Ordered: 1. That the grade crossing of the Syracuse, Binghamton and New York railroad by the Onativia-Apulia county road located about 0.6 mile south of Onativia station, in the county of Onondaga, town of Lafayette, known as the Onativia crossing, be closed and discontinued, and that travel be diverted therefrom to an undergrade crossing to be constructed at a point approximately 450 feet southerly of the existing grade crossing, and that new pieces of highway and approaches leading to said undergrade crossing be provided, all as shown upon sheet No. 5 of Applicants Ex. No. 2, hereinbefore referred to.

Beginning at a point in the existing highway about 500 feet westerly from the railroad, measured along the highway, a new road shall be constructed extending northerly in a straight line a distance of about 700 feet to a point distant about 145 feet from the railroad, measured at right angles to the track; thence curving to the left with center line on a radius of about 288 feet a distance of about 160 feet; thence tangent a distance of about 1630 feet to a junction with a highway leading to Apulia; crossing the railroad on an angle of 43 degrees and 15 minutes at a point about 450 feet south of the existing crossing.

The undergrade crossing shall be built to a width of 24 feet between abutment faces. The clearance above the crown of the roadway shall be not less than 13 feet, and the bridge carrying the railroad shall have a solid floor.

Beginning on the west side of the tracks at the point where the new highway hereinbefore described diverges from the existing highway, the finished grade of the highway is to be raised about 6 feet, this point being the beginning of the work chargeable to the elimination; proceeding thence toward the undergrade crossing, the highway grade shall descend at the rate of 3.16 per cent a distance of about 280 feet; thence by vertical curve about 215 feet long leading to a descending 8 per cent grade about 370 feet long; thence by vertical curve about 100 feet long to a short piece of descending 2 per cent grade through the subway; thence by vertical curve about 100 feet long to a descending 7.5 per cent grade about 1060 feet long; thence by vertical curve about 100 feet long to a descending 2.4 per cent grade to the end of the improvement, where junction is made on the east side of the tracks with the highway leading to Apulia, at which point the finished grade shall be about one foot above the grade of the existing highway.

All embankments for the new roadway shall be built to a width of not less than 24 feet between the edges of shoulders. In cuts, the width shall be not less than 30 feet between exterior edges of side drainage ditches. In the center of said new highways and approaches there shall be constructed a bituminous macadam pavement at least 9 inches thick and 12 feet wide.

Railings consisting of reinforced concrete posts and one 5-inch channel shall be built at all points where embankments are two feet or more in height.

Gutters shall be paved, culverts built, and any other construction for the proper drainage and support of the new highway shall be provided as may be required to secure a permanent and substantial construction.

The existing grade crossing shall be left open for public highway travel until the completion and acceptance by this Commission of the work herein ordered, after which it shall be closed to public travel.

2. That the grade crossing of the Syracuse, Binghamton and New York railroad by the Onativia-Apulia county road known as the June crossing, at a point about 1.8 miles north of Apulia station, in the town of Fabius, be

closed and discontinued, and that highway travel be diverted therefrom to a new overgrade crossing to be constructed on a revised line of the highway, the new crossing to be located approximately 250 feet south of the existing grade crossing, and that new pieces of highway and approaches leading to said overgrade crossing be constructed, all as shown upon a general plan, sheet No. 1, of Applicants Ex. No. 2, heretofore referred to.

Beginning at a point on the existing highway on the west side of the railroad about 1000 feet from the railroad, measured along said highway, the new road shall be constructed in a northerly direction on a straight line a distance of about 360 feet to a point distant about 230 feet from the railroad measured at right angles to the track; curving thence to the right with center line on a radius of about 288 feet a distance of about 250 feet; thence tangent to the above curve crossing the railroad on an angle of 60 degrees a distance of about 320 feet; thence curving to the left with center line on a radius of approximately 359 feet a distance of about 300 feet; thence tangent a distance of about 750 feet to a junction with the existing highway leading to Onativia on the east side of the tracks.

The overgrade crossing shall consist of two abutments spaced so as to provide for an opening between the faces thereof of 33 feet. The highway bridge supported by these abutments is to have a roadway 20 feet wide in the clear, said roadway being supported by a solid floor. The clear headroom above the top of the rails shall be not less than 22 feet.

The grades on the new highway and approaches shall be as follows: Beginning on the west side of the tracks at the point of departure from the existing highway, the grade on the new highway herein provided for shall descend at the rate of 3.5 per cent toward the north a distance of about 295 feet; thence by vertical curve about 200 feet long to an ascending 5 per cent grade about 125 feet long; thence by vertical curve about 50 feet long to a level grade across the highway bridge; thence by vertical curve about 60 feet long to a descending 9 per cent grade on the east side of the tracks about 740 feet long; thence by vertical curve about 150 feet long to a descending 3 per cent grade about 260 feet long; thence by vertical curve merging into a 5 per cent grade to a junction with the existing highway leading to Onativia, said new highway intersecting said old highway surface at a point about 2 feet below the grade thereof.

All embankments for the new roadway shall be built to a width of not less than 24 feet between the edges of shoulders. In cuts, the width shall be not less than 30 feet between exterior edges of side drainage ditches. In the center of said new highways and approaches there shall be constructed a bituminous macadam pavement at least 9 inches thick and 12 feet wide throughout the entire length of the improvement provided for in this determination, except that on the superstructure the entire width between curb lines shall be paved with this same material.

Railings consisting of reinforced concrete posts and one 5-inch channel shall be built at all points where embankments are two feet or more in height.

Gutters shall be paved, culverts built, and any other construction for the proper drainage and support of the new highway shall be provided as may be required to secure a permanent and substantial construction.

The existing grade crossing shall be left open for public highway travel until the completion and acceptance by this Commission of the work herein ordered, after which it shall be closed to public travel.

3. That in compliance with the agreement heretofore referred to by the Board of Supervisors of Onondaga County, The Delaware, Lackawanna and Western Railroad Company and the Syracuse, Binghamton and New York Railroad Company, the cost of the work of grade separation herein described shall be borne as follows: The County of Onondaga shall pay for and acquire all rights, title, and interest in all lands required for the alteration and re-location of the highways as herein provided, and pay and discharge all costs of acquiring such rights, title, and interest; it shall further pay and discharge all costs of construction of the new highways and approaches to both crossings exterior to the right of way lines of the railroads. The railroad companies shall pay and discharge all costs of construction of both the undergrade and

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overgrade crossings and any and all other work embraced between their right of way lines.

It is understood, and this determination is made upon the express understanding, that as provided in the aforesaid contract between the railroad companies and the County of Onondaga, upon the completion of the work and its acceptance by this Commission the railroad companies are to pay to the treasurer of Onondaga County the sum of \$5000.

It is further expressly understood and agreed between the parties, and this order is upon the express condition, that no part of the cost of the improvement herein provided for shall be borne by the State of New York. Acceptance of this order to be deemed an affirmation of such understanding and agreement by the parties respectively.

[Case No. 5787]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of FORT COVINGTON CREAMERY COMPANY, INC., *against* GRAND TRUNK RAILWAY COMPANY as to rate on shipments of milk from Fort Covington, N. Y., to Massena Springs, N. Y.

This complaint was served, and after correspondence, attorney complainant notified the Commission (letter of December 28, 1916) to the following effect: "Accordingly this letter explains the matter to the satisfaction of the complainant, as we understand that our 10-gal. cans are subject to the 15 cent rate per can, and relying upon this assurance from the carrier company, the complainant consents that the complaint be withdrawn and the case closed, and you may proceed to close the case without further notice or order from me." Therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 2583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the Shatzell Street grade crossing over its tracks at Rhinecliff.

Ordered: 1. That the first intermediate settlement entered into by The New York Central Railroad Company with the Town of Rhinebeck, sla wing

expenditures to the amount of \$7267.53 properly and necessarily incurred to October 1, 1916, in carrying out the Commission's modified order of March 16, 1916, in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$7172.22 has been expended by the Town of Rhinebeck, and the sum of \$95.31 has been expended by the railroad corporation; said settlement having been accepted by the town as indicated by the signatures of its supervisor and two justices of the peace, and accepted by the railroad corporation as indicated by the signature of its treasurer.

Ordered: 2. That of the total amount of \$7267.53 thus expended and herein accounted for, the share of and the amount chargeable to the State of New York is the sum of \$1816.83, which is now due from and properly payable by the State to the Town of Rhinebeck; and the share of The New York Central Railroad Company is the sum of \$3633.76, upon which it is entitled to a credit in the sum of \$95.31 expended by it as aforesaid, leaving as a balance now due and payable by said The New York Central Railroad Company to said Town of Rhinebeck the sum of \$3538.45.

[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of the Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

Ordered: 1. That the first intermediate settlement entered into by The New York Central Railroad Company with the City of Ogdensburg, showing expenditures to the amount of not less than \$18,773.34 properly and necessarily incurred to November 1, 1916, in carrying out the Commission's order in the matter above entitled, be and is hereby approved; of which said amount the sum of \$13,692.30 has been expended by the railroad corporation, and the sum of \$5081.04 has been expended by the city: said settlement having been accepted by the railroad corporation as indicated by the signature of its treasurer, and accepted by the City of Ogdensburg as indicated by the signature of its mayor.

2. That of the total amount of \$18,773.34 thus expended and herein accounted for, the share of and amount chargeable to The New York Central Railroad Company is the sum of \$9386.67; the amount chargeable to the City of Ogdensburg is \$4693.33; and the amount chargeable to the State of New York is \$4693.34, of which said last amount, all of which is to be drawn from funds appropriated for the elimination of grade crossings, the sum of \$4305.63 is now due and payable by said State of New York to The New York Central Railroad Company, and \$387.71 is now due and payable to the City of Ogdensburg.

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[Case No. 3792]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR.

Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for the elimination of a grade crossing of the New York Central and Hudson River railroad by a highway known as state route No. 6, in the town of Batavia, Genesee county.

Ordered: 1. That an accounting entered into by the State Commission of Highways with The New York Central Railroad Company, showing expenditures to the amount of \$70,178.39 (including interest to April 15, 1916) properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$60,927.90 has been expended by the railroad company, and the sum of \$9250.49 has been expended by the State of New York: said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and accepted by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$70,178.39 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$35,089.20, and the share of the State of New York is the sum of \$35,099.19, upon which it is entitled to a credit of \$9250.49 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said The New York Central Railroad Company from funds appropriated for the improvement of highways the sum of \$25,838.70.

[Case No. 4611]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which state highway No. 5459 (route 5, section 7) shall cross the tracks of the Ulster and Delaware railroad in the town of Roxbury, Delaware county.

The work covered by the Commission's determination in the above entitled matter having been entirely completed in accordance with the requirements of said determination and approved detail plans and specifications to the satisfaction of this Commission and to that of the State Commission of Highways, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5467]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of January, 1917.

Present:SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of SALMON RIVER POWER COMPANY for authority to issue, pursuant to section 69 of the Public Service Commissions Law, \$54,400 in par value of its capital stock, and \$207,000 face amount of its 5 per cent forty-year gold bonds secured by its mortgage dated October 5, 1912; and of the SALMON RIVER POWER COMPANY and PULASKI ELECTRIC LIGHT COMPANY for consent, pursuant to section 70 of the Public Service Commissions Law, to the transfer by the Pulaski Electric Light Company to the Salmon River Power Company of the entire property, rights, privileges, and franchises of said Pulaski Electric Light Company; and for authority to the Pulaski Electric Light Company, pursuant to section 70, to acquire stocks and bonds of the Salmon River Power Company in exchange for said transfer. Also petition of the NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY for permission to guarantee said bonds of the Salmon River Power Company.

Petition filed March 9, 1916; petition of Niagara, Lockport and Ontario Power Company filed January 1, 1917; hearing held January 4, 1917; supplemental petition filed January 8, 1917. The petition of the Salmon River Power Company in this proceeding as amended on January 8, 1917, is for permission to issue \$57,000 par value of its common capital stock and \$216,000 face value of 5 per cent forty-year first mortgage gold bonds, and to sell the former for not less than its par value and the latter for not less than 87 per cent of their face value and accrued interest. The company asks for authority to use the proceeds realized from such sale for the acquisition of certain lands and water and riparian rights, the entire property, rights, privileges, and franchises of the Pulaski Electric Light Company, as set forth in exhibits B, C, and D attached to the original petition herein, and as described in the supplemental petition; and for construction purposes as detailed in exhibit F. The Niagara, Lockport and Ontario Power Company has also filed a petition in this proceeding asking for permission to guarantee the principal and interest of the bonds of the Salmon River Power Company for the issuance of which authority is herein asked. The Commission has not completed its inquiry into the purposes for which the petitioner desires to use the proceeds of these securities, but this order is entered so that the petitioner may take advantage of a favorable market for its bonds, it being required to reserve such proceeds in its treasury until authorized to dispose of the same by this Commission. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Salmon River Power Company is hereby authorized to issue \$216,000 face value of its 5 per cent forty-year first mortgage gold bonds under a certain indenture given to the Columbia-Knickerbocker Trust Company as trustee, dated October 5, 1912, to secure an authorized issue of a total face value of \$5,000,000.

2. That said bonds of the total face value of \$216,000 shall be sold for not less than 87 per cent of their face value and accrued interest, to give net proceeds of at least \$187,920, provided that none of such proceeds so realized

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shall be expended for any purpose but shall be held as a treasury asset of the company until a further order shall have been received from this Commission specifically authorizing the use of such proceeds.

3. That the Salmon River Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold, exchanged, or otherwise disposed of during such period; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of the report shall set forth such fact.

4. That the permission and approval of this Commission are hereby given to the Niagara, Lockport and Ontario Power Company to guarantee the punctual payment of the principal and interest of the 5 per cent forty-year first mortgage gold bonds of the Salmon River Power Company herein authorized to be issued.

5. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 5735]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of ITHACA BOARD OF COMMERCE against THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY and LEHIGH VALLEY RAILROAD COMPANY as to erection of gates at grade crossings of said railroads and streets in the city of Ithaca.

Complaint having been made by the Board of Commerce of the City of Ithaca against the Delaware, Lackawanna and Western and the Lehigh Valley Railroad Companies in respect to unprotected railroad crossings in the said city; and a hearing having been had on the 18th day of December, 1916, in Ithaca, when the complainant and both respondents presented testimony and arguments upon the matters referred to in the said complaint; and it having been established as the result of such testimony that the respondent, The Delaware, Lackawanna and Western Railroad Company, has recently taken adequate steps to protect its Buffalo Street crossing by placing a flagman at this point, whose duty it is to warn all passersby of the approach of trains and switching movements from either direction; and it also appearing that the respondent, Lehigh Valley Railroad Company, has recently established a somewhat similar flag system at the junction of State and Seneca streets, in connection with its main line tracks, thus affording adequate protection to the public at this point; and it appearing, further, that no suitable protection is now being given to pedestrian and vehicular traffic on State street against the unexpected approach of northbound trains on the Delaware, Lackawanna and Western railroad or of trains on the Ithaca-Auburn branch of the Lehigh Valley railroad bound in either direction, and that in the opinion of the Commission automatic signals should now be installed at the State Street crossings of both respondents, for the proper protection of the public; and the

Commission being of the opinion that such installation of suitable automatic signals at these crossings would sufficiently safeguard the entire situation presented to the Commission for its consideration in this proceeding, so long as traffic conditions in Ithaca remain substantially as they now are; it is hereby

Ordered: 1. That the respondent, The Delaware, Lackawanna and Western Railroad Company, shall within thirty days from the date of the making and entry of this order install at its State Street crossing an automatic signaling device which will effectively warn passersby coming from either direction on State street, of the approach of northbound trains on the tracks of the said respondent. This signaling device need have no connection, however, with southbound traffic over respondent's tracks, in view of the fact that the location of respondent's railroad station at a point immediately north of the said crossing, where all southbound trains must come to a stop before crossing State street, probably affords sufficient protection to the public against southbound train movement at State street, while the noise caused by automatic signals operated in connection with these southbound train movements might in itself constitute a public nuisance.

2. That the respondent, Lehigh Valley Railroad Company, shall within the same thirty-day period install at the State Street crossing of its Ithaca-Auburn branch a similar or equally efficient automatic signal, warning the public against the approach of trains coming either from the north or south, there being in the case of the last named respondent no similar reason to that which has been referred to in the case of the Lackawanna for limiting the operation of an automatic signal on State street to trains coming from only one direction.

3. That with regard to the precise type of automatic signal which shall be employed in this connection, each of the said respondents may, in complying with the terms of this order, adhere to the particular automatic signaling device which it now customarily uses on such other street crossings along its route as may be fairly said to be comparable to the crossings here referred to, in respect to density of traffic and the frequency of passing trains.

4. That upon acceptance by the respondents of the provisions of this order, notice of which acceptance shall be given to the Commission within ten days of the date of the entry of the order, this case shall be closed upon the records of the Commission.

[Case No. 5813]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

Petition of THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY under section 53, Public Service Commissions Law, for permission to construct an extension of an existing siding in Elmira, and for approval of a franchise from the city that it may cross Madison avenue.

This is an application by The New York, Lackawanna and Western Railway Company for permission to construct an extension of an existing sidetrack in the city of Elmira, and for approval of a franchise from the city to cross Madison avenue. A public hearing was held in Elmira December 26, 1916, at which no one appeared in opposition to the petition. The New York, Lackawanna and Western Railway Company is operated by The Delaware,

Lackawanna and Western Railroad Company as lessee. For a long time there has been a switch from the eastbound main track of the railroad just east of Lake street and leading to sidetracks serving several industries to the south. A short spur diverges about one hundred feet east of Lake street to the line of Madison avenue. The application is to continue this spur across Madison avenue in order to serve the James Manufacturing Company which has established a factory near that point. The city has granted the franchise to cross Madison avenue at grade for that purpose, and the topography is such that the crossing must be at grade if made at all. The Madison Avenue crossing of the Lackawanna tracks is protected by gates. The franchise requires that the southern gate be removed so that it will protect against movements on the sidetrack as well as the main tracks. There seems to be no objection to the proposed extension except that unless switching movements are carefully handled they may result in additional blocking of the Lake Street crossing, the blocking of which under existing conditions has been the subject of complaint to the Commission. The railroad company, through its attorney and its yardmaster, promises so to handle the traffic as not appreciably to increase the blocking of Lake street. It is therefore determined and stated that the construction of such extension of said sidetrack and the exercise of such franchise are necessary and convenient for the public service; and it is

Ordered: 1. That the permission and approval of the Commission be given to the construction by The New York, Lackawanna and Western Railway Company of an extension of the sidetrack described in the petition across Madison avenue, in the city of Elmira, approximately as shown on the blue-print attached to the petition.

2. That the permission and approval of the Commission be given to said railway company to exercise the franchise for the above purpose granted by the mayor and common council of the City of Elmira December 4, 1916, subject however to all the conditions thereof.

3. That The Delaware, Lackawanna and Western Railroad Company shall so operate its locomotives and cars in the use of said sidetrack as to minimize the obstruction of Lake street, the particular method for carrying out this provision to be left in the first instance to the determination of the railroad company, but subject to specific revision and direction by the Commission in case the method provided by the company does not prove efficacious.

[Case No. 5833]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 9th day of
January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF FRANKLIN COUNTY *against* RUTLAND RAILROAD COMPANY as to trains obstructing a highway crossing known as the "Gravel crossing," west of the Moira station on said company's railroad.

This complaint was served, and the company answered that the cause of complaint would be remedied; complainants informed the Commission that "the Rutland Railroad Company has agreed that such condition shall no longer continue, and has given orders to its employees to carefully watch this crossing and to see to it that it is not obstructed by trains at any time for

a period of more than five minutes," and withdrew the complaint. Therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 4114]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for the elimination of a grade crossing of the New York Central and Hudson River railroad (West Shore) at Cementon, Greene county.

The work covered by the Commission's determination of April 28, 1914, in the above entitled matter, having been entirely completed in accordance with the requirements of said determination and approved detail plans and specifications to the satisfaction of this Commission and of the State Commission of Highways, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5795]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE LONG ISLAND RAILROAD COMPANY under section 55, Public Service Commissions Law, for authority to issue debenture bonds. Petition, dated November 17, 1916, for another supplemental order.

Petition filed November 18, 1916; report of division of capitalization dated December 20, 1916; hearing held January 5, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Long Island Railroad Company is hereby authorized to issue \$1,252,048.95 face value of its 4 per cent ten-year gold debenture bonds.

2. That said bonds of the total face value of \$1,252,048.95 may be sold for not less than their face value and accrued interest, and in case of such sale the proceeds thereof to the amount of \$1,252,048.95 shall be used in the liquidating of The Long Island Railroad Company's indebtedness in that amount to The Pennsylvania Railroad Company, for and on account of advances made by

it to The Long Island Railroad Company and by the latter expended for road and equipment from July 1, 1914, to June 30, 1915; or if not thus sold, said debenture bonds of the total face value aforesaid may be delivered to said The Pennsylvania Railroad Company in liquidation of said indebtedness.

3. That if the said bonds of a total face value of \$1,252,048.95 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than that sum, no portion of the proceeds of such sale in excess of that sum shall be used for any purpose without the further order of the Commission.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by The Long Island Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That The Long Island Railroad Company for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds of the bonds herein authorized for the purpose specified herein during such period and the account or accounts under the Classification of Investment in Road and Equipment of Steam Roads to which the expenditures for such purpose have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

Ordered: That a third intermediate accounting be entered into by The New York Central Railroad Company, the Village of Bronxville, and this Commis-

sion, covering all expenditures as nearly as they may be determined, incurred to January 1, 1917, in carrying out the Commission's determination of November 10, 1914, in the above entitled matter.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Upon the recommendation for approval of the Erie Railroad Company as indicated by the signatures of its chief engineer, assistant chief engineer, and engineer of bridges and buildings, upon a detailed masonry plan showing the walls to be erected on the south side of the tracks between Institute street and Main street between station 723+01.64 and 725+32.86, and upon the approval of the City of Jamestown as similarly indicated upon said plan by the signature of the city engineer, it is

Ordered: That said detailed masonry plan sheet No. 17, dated September 27, 1916, revised November 1, 1916, be and it is hereby approved.

[Case No. 2583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the grade crossing of Shatzell street over its tracks at Rhinecliff.

The work performed under the Commission's determination of March 16, 1916, in the above entitled matter having been entirely completed in accordance with the requirements of said determination and approved plans and specifications to the satisfaction of the railroad company and of the Town of Rhinebeck, it is

Ordered: That the completed work be and it is hereby approved.

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[Case No. 3109]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the INTERNATIONAL RAILWAY COMPANY under section 55 of the Public Service Commissions Law for authority to execute a mortgage or deed of trust and issue bonds thereunder. Eighth
amendatory
order.

The International Railway Company having under date of December 16, 1916, filed a supplemental petition herein praying for leave to forthwith issue an additional \$10,000 in amount of the \$11,011,500 face value of its refunding and improvement mortgage 5 per cent 50-year gold coupon bonds, which by the terms of the order herein dated December 5, 1912, were to be sold at their face value, such present issuance of \$10,000 in amount of said bonds to be at not less than 89 per cent of face value plus accrued interest, the proceeds thereof to be used for refunding \$10,000 face value of second mortgage sinking fund gold bonds of the Buffalo and Niagara Falls Electric Railway which fell due on December 31, 1916; and thereafter, under date of January 5, 1917, the petitioner having in writing advised this Commission that "It is now the intention to sell these bonds (the \$10,000 in amount proposed to be issued) to the Accident Reserve Fund of the company at par, and therefore we ask that the petition referred to be canceled". Now therefore it is

Ordered: That the supplemental petition of the International Railway Company first above mentioned, dated December 16, 1916, is hereby dismissed.

[Case No. 3211]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the CENTRAL NEW ENGLAND RAILWAY COMPANY for the elimination of the following grade crossings in the town of Lloyd, Ulster county: (1) the north road to Black Lake; (2) the New Paltz turnpike, also known as the Whittley Crossing; and (3) for determining the manner in which the proposed new crossing at Brooks' crossing shall be constructed.

The Commission having by and under its order of June 6, 1916, extended the time for completing the work specified in its order of December 9, 1915, to November 1, 1916; and the Central New England Railway Company, by

letter from its general counsel of November 8, 1916, having requested a further extension of time, the request for said extension being unopposed by the local authorities of the town as indicated by letter from the county superintendent of highways dated January 8, 1917; and the Commission being of the opinion that under all the circumstances of the case the request of the railroad corporation is reasonable and that a further time extension is advisable and necessary, it is

Ordered: That the time for completing the work pursuant to the requirements of the order of December 9, 1915, be and the same is extended to June 1, 1917.

[Case No. 4343]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the PAVILION NATURAL GAS COMPANY under section 68 of the Public Service Commissions Law for permission to construct extensions of its natural gas mains, with appurtenances, and for approval of the exercise of franchises therefor received by it from various municipalities.

The petition in this case was presented on the 28th day of May, 1914, and asked for approval of franchises in the towns of Avon and Geneseo, the village of Avon, and the village of Geneseo, Livingston county, and for the exercise of such franchises in constructing and operating natural gas plants in said municipalities by the petitioner; several hearings were held in this case, after which the Commission made certain orders approving the franchises granted by the municipalities of the Towns of Geneseo and Avon and the Village of Avon, and gave permission and approval for their operation; but by reason of certain objections made to the approval of the franchise in the village of Geneseo on the part of the Geneseo Gas Light Company, which claimed that if said natural gas should be brought into the village of Geneseo under said franchise the vested interests of the Geneseo Gas Light Company would suffer irreparable loss, several hearings were held on the issue thus presented and considerable proof was taken; finally, an arrangement was entered into whereby the petitioner, Pavilion Natural Gas Company, agreed to deliver natural gas at the village line of Geneseo and there connect with the distribution plant of the Geneseo Gas Light Company, and sell said natural gas at wholesale to the last mentioned company, which agreed in turn to distribute the same to the inhabitants of the village at the franchise price or such other price as might be fixed by the Commission; considerable time elapsed after the last of such hearings, and during that period the supply of natural gas ran low and the petitioner was unable to fulfill its agreement above stated; a final hearing was held herein by the Commission in the village of Geneseo on the 6th day of January, 1917, at which hearing all of the matters hereinabove recited were discussed between the sitting Commissioner; Mr. James S. L. Purdy, the manager of the petitioner; Mr. John F. Connor, the attorney for the Geneseo Gas Light Company; and Messrs. Edwards P. Ward, Frank K. Cooke, and Charles D. Newton, representing the inhabitants of the village of Geneseo; and it was understood at that time that the Pavilion Natural Gas Company was unable to furnish sufficient natural gas to properly serve the

inhabitants of the village of Geneseo under said franchise; and it was also agreed by all the parties who appeared that in view of the schedule of reduced rate which is to be put in force by the Geneseo Gas Light Company for its customers in the village of Geneseo, in case No. 5688, for the period of one year from February 1, 1917, it would be unfair to insist upon a competition with said Geneseo Gas Light Company, at least not until satisfactory evidence was furnished the Commission that the Pavilion Natural Gas Company is able to furnish sufficient natural gas to meet the requirements of the inhabitants of said village, so that the Geneseo Gas Light Company could take such natural gas and sell and distribute the same through its distribution plant. It is therefore

Ordered: That this case, in so far as it relates to the application of the petitioner to approve of the franchise received from the authorities of the Village of Geneseo and the operation thereof, be and the same hereby is closed upon the records of the Commission, with the understanding however that at any time after the date hereof either party may move for the reopening of this case and for further hearing herein, upon making satisfactory proof that the Pavilion Natural Gas Company is able to furnish sufficient natural gas to the Geneseo Gas Light Company for the necessity and convenience of the inhabitants of the village of Geneseo, under and pursuant to said franchise and the agreement hereinabove referred to.

[Case No. 5081]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for the elimination of three grade crossings of the New York, Ontario and Western railway on county highway Petition No. 3112, in the town of Delhi, Delaware county.

Upon the recommendation of the State Commission of Highways, as indicated by the signatures of its supervising engineer, first deputy commissioner, and secretary, upon a portfolio of plans showing the work to be performed pursuant to a determination of this Commission dated July 25, 1916, in the matter above entitled; and upon the approval of the New York, Ontario and Western Railway Company as similarly indicated upon said portfolio of plans by the signature of its chief engineer, it is

Ordered: That the plans comprising said portfolio, sheets numbers 1 to 7 inclusive, be and they are hereby approved.

[Case No. 5472]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ROCHESTER RAILWAY AND LIGHT COMPANY under sections 69 and 70, Public Service Commissions Law, subdivision 3, section 61, Transportation Corporations Law, and section 15, Stock Corporation Law, for authority to issue common capital stock, acquire all of the stock of other companies, and merge the other companies; and to acquire certain physical property of another company.

Petition filed March 18, 1916; report of division of capitalization dated June 28, 1916; report of division of light, heat, and power dated November 22, 1916; articles of incorporation, etc., of the various companies filed December 7, 1916; hearing held January 5, 1917; petition of The Mohawk Valley Company filed January 9, 1917; final report of division of capitalization dated January 4, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Rochester Railway and Light Company is hereby authorized to acquire and hold the entire outstanding capital stock of the following corporations: The Canandaigua Gas-Light Company, consisting of 1000 shares of common stock, each of the par value of \$50, aggregating a par value of \$50,000; Despatch Heat, Light and Power Company, consisting of 8000 shares of common stock, each of the par value of \$50, aggregating a par value of \$400,000; Eastern Monroe Electric Light and Gas Company, consisting of 2500 shares of common stock, each of the par value of \$100, aggregating a par value of \$250,000.

2. That the Ontario Light and Traction Company is hereby authorized to transfer and sell all of its physical property, franchises, etc., except those devoted to its electric railroad property, to the Rochester Railway and Light Company, subject only to an outstanding bonded indebtedness of \$178,500; and this Commission hereby permits and approves the transfer to and acquisition by the Rochester Railway and Light Company of such physical property, franchises, etc., of the Ontario Light and Traction Company subject to the aforesaid indebtedness.

3. That the Rochester Railway and Light Company is hereby authorized to issue \$750,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$750,000.

4. That The Mohawk Valley Company is hereby authorized to acquire and hold at its par value the common capital stock of the Rochester Railway and Light Company aggregating \$750,000 par value herein authorized to be issued and sold.

5. That said stock of the par value of \$750,000 herein authorized to be issued or the proceeds thereof shall be used solely and exclusively for the following purposes: (a) For the acquisition of the hereinbefore described outstanding issues of stock of the following corporations: The Canandaigua Gas-Light Company; Despatch Heat, Light and Power Company; and Eastern Monroe Electric Light and Gas Company. upon the following terms and conditions: that as the purchase price allowed herein for the stocks of all of the foregoing corporations is predicted upon the statement of the assets of such

corporations as of October 31, 1916, reported by this Commission's division of capitalization, it shall only be paid if the assets of those companies exceed the liabilities to be assumed upon the date of the acquisition of the stock of those corporations by the Rochester Railway and Light Company by at least the amount they exceeded said liabilities on the before mentioned date; (b) for the acquisition of all of the physical property, franchises, etc., of the Ontario Light and Traction Company, excepting those devoted to its electric railroad property, subject only to its outstanding funded indebtedness of \$178,500.

6. That the Rochester Railway and Light Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended for each of the purposes specified herein during such period of the proceeds of the stock herein authorized and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which such expenditures have been charged. Such reports shall continue to be filed until all of such stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

7. That this Commission hereby consents that the Rochester Railway and Light Company may merge into itself The Canandaigua Gas-Light Company; Despatch Heat, Light and Power Company; and Eastern Monroe Electric Light and Gas Company, provided that there shall be stamped or inscribed upon each of the certificates of capital stock of those corporations a legend setting forth that said corporations have been merged by the Rochester Railway and Light Company as herein authorized; and that at the proper time, to be determined by this Commission, satisfactory proof of such stamping or inscribing of said stock certificates in such form as may be prescribed by the Commission shall be submitted to it by said Rochester Railway and Light Company.

8. Upon the acquisition by the Rochester Railway and Light Company of the property, franchises, etc., of the Ontario Light and Traction Company, excepting those portions devoted to its electric railroad property, and the property of The Canandaigua Gas-Light Company, Despatch Heat, Light and Power Company, and Eastern Monroe Electric Light and Gas Company, all of such property shall be entered upon the books of the Rochester Railway and Light Company as shown in the report of the Commission's division of light, heat, and power dated November 22, 1916, and in the final report of the division of capitalization dated January 4, 1917, except as the same may be modified by any subsequent duly authorized business transactions of the aforesaid corporations.

9. That within thirty days after the acquisition of property and mergers herein authorized, complete statements shall be filed with the Commission, duly verified by the respective secretaries or other executive officers, including (a) details of the changes in the accounts of these corporations in so far as they affect the condition of their property and assets from February 15, 1916, to the date of the actual acquisition of such properties by the Rochester Railway and Light Company; (b) detailed balance sheets of the properties to be acquired by the Rochester Railway and Light Company as of the date of such actual acquisitions; (c) particulars of the entries made upon the books of the Rochester Railway and Light Company reflecting the mergers and acquisitions of the properties herein authorized; (d) detailed balance sheet of the Rochester Railway and Light Company as of the date of the hereinbefore authorized acquisition of property and mergers.

10. That none of the expenses incurred by the Rochester Railway and Light Company in connection with this proceeding, except those directly incurred

on account of the actual issuance of the capital stock herein authorized, shall be charged to fixed capital.

11. That the authority contained in this order to issue stock, to merge, and to acquire property, etc., is upon the express condition that the Rochester Railway and Light Company accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days from the service hereof, the said Rochester Railway and Light Company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or part reasonably chargeable to operating expenses or to income.

[Case No. 5685]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of INTER-VILLAGE ELECTRIC CORPORATION under section 63 of the Public Service Commissions Law for approval of extension of an electrical franchise from the incorporated Village of Hamburg, Erie county.

The petitioner in this case is the Inter-Village Electric Corporation, and filed its petition with the Commission August 17, 1916, asking for an approval of the extension of the franchise granted to the petitioner by the president and board of trustees of the Village of Hamburg, and dated August 9, 1916, and for the exercise thereof, merely extending the life of the franchise heretofore granted by the village authorities of Hamburg to said petitioner from the 31st day of January, 1938, to the 31st day of January, 1953; pursuant to the rules of this Commission a notice was duly published directing all persons knowing any reason why this application should not be granted to file a statement thereof with the Secretary of the Commission on or before September 14, 1916; and the due proof of the publication of said notice having been duly filed with the Commission; and a hearing having been duly held herein in the city of Buffalo on the 2nd day of January, 1917, at which hearing Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals of Buffalo, having appeared for said petitioner; and Mr. Ernest Fayler, president of the petitioner, having also duly appeared; and certain proofs and proceedings having been duly taken and had at said hearing whereby it satisfactorily appears that The Depew and Lancaster Light, Power and Conduit Company owns and controls the stock of the petitioner herein pursuant to an order duly granted by this Commission, and in the near future intends to merge with the said petitioner, and the sole object of such extension franchise being to make the expiration thereof coincident with the maturity of the bonds of said The Depew and Lancaster Light, Power and Conduit Company, and there being no objection thereto; and the said extension franchise having been duly presented to and filed with the Commission at said hearing; and it satisfactorily appears from all the papers, proofs, and proceedings in this case

that the approval of said extension franchise and the exercise thereof by the petitioner are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given for the acceptance of such amended franchise by the petitioner herein, the Inter-Village Electric Corporation, and for all necessary construction and operation thereunder, and that the said petitioner may exercise all the rights and privileges conferred by the said extension franchise so granted by the president and board of trustees of the Village of Hamburg on the 9th day of August, 1916, subject to and in accordance with all the terms, conditions, limitations, and restrictions of said franchise.

2. No poles, wires, cables, conduits, subways, appliances, structures, or appurtenances herein authorized shall be placed over or across any state or county highway without first obtaining the consent of the State Commission of Highways.

[Case No. 5688]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of the BOARD OF TRUSTEES OF VILLAGE OF GENESEO, Livingston county, against GENESEO GAS LIGHT COMPANY as to price charged residents for gas and as to price charged the village for electric street lights.

The complaint in this case, made by the president and board of trustees of the Village of Geneseo, was filed with the Commission on August 31, 1916; the petition alleges the incorporation of the Village of Geneseo, and that the Geneseo Gas Light Company is a domestic corporation engaged in the business of manufacturing, selling, and supplying gas and electricity in said village for light, heat, and power; and that the rates charged and collected by the respondent for gas to its consumers in said village are \$2 per thousand cubic feet for lighting purposes, and \$1.50 per thousand cubic feet for fuel purposes; such rates are attacked by the complainants as excessive and unreasonable; complaint is also made herein against the charges for electricity made by the respondent in said village, and the complainants ask the Commission to investigate such matters and thereafter fix such prices to be charged by the respondent for gas and electric service in said village as may be found to be proper and reasonable; hearings have been held in this case at the courthouse in the village of Geneseo on the 8th day of December, 1916, and the 6th day of January, 1917, at which hearings the complainants appeared by Mr. Edwards P. Ward, attorney for the Village of Geneseo, with Hon. Frank K. Cooke, Hon. Lockwood R. Doty, and Hon. Charles D. Newton, all of Geneseo, as counsel; the respondent was represented by Mr. William A. Brodie, president, Mr. George B. Adams, secretary, Mr. T. W. Landon, superintendent, all of Geneseo, and Mr. John F. Connor of Mount Morris as their attorney; considerable proof was taken in this case, from which it satisfactorily appears that the respondent serves about 260 customers with manufactured gas in the village of Geneseo, and has for some years charged and received the rates mentioned in said complaint; that notwithstanding such rates, which are admitted to be high when compared with the rates of companies operating in villages comparable in size with the village of Geneseo, the company fails to receive from its

customers sufficient moneys with which to pay its operating expenses and any dividends upon the securities of the company; without going into details of all these matters, it is sufficient to say that the proof conclusively establishes the fact that the company is now and for a long time has been operated at a loss. At the last hearing held in this case a plan was presented which would rearrange and reduce the schedule of prices now charged by the respondent and insert new features therein; after considerable discussion, all parties concerned agreed to the establishment of such new schedule of prices for gas to be charged by the respondent in the village of Geneseo, as follows:

1. A ready to service charge of fifty cents to be paid by each customer.
2. \$1.35 per thousand cubic feet for 20,000 cubic feet or more consumed each month.
3. \$1.50 per thousand cubic feet for a consumption of from 10,000 to 20,000 cubic feet per month.
4. \$1.60 per thousand cubic feet for a consumption of from 1000 to 10,000 cubic feet per month.
5. A discount of 10 cents per thousand cubic feet to be allowed on all bills paid within ten days after presentation.

Such new schedule to be put into operation February 1, 1917, and to continue for one year thereafter, after which either party shall have the right to apply to the Commission for a revision of such rates and schedule or for the reopening of this case for further hearing. And the said complainants having made no proof concerning the complaint against the existing charges for electric service by the respondent, it is therefore

Ordered: 1. That beginning with the month of February, 1917, and continuing for the period of one year thereafter, the respondent, Geneseo Gas Light Company, shall cease and desist from charging their gas customers in the village of Geneseo any greater or different rates than the following, viz.:

- a. For all consumption of gas by one customer of 20,000 cubic feet or more per month, \$1.35 per thousand cubic feet, less 10 cents per thousand cubic feet discount if the bill be paid within ten days after presentation.
- b. For all consumption of gas by one customer of from 10,000 to 20,000 cubic feet per month, \$1.50 per thousand cubic feet, less 10 cents per thousand cubic feet discount if the bill be paid within ten days after presentation.
- c. For all consumption of gas by one customer of from 1000 to 10,000 cubic feet per month, \$1.60 per thousand cubic feet, less 10 cents per thousand cubic feet discount if the bill be paid within ten days after presentation.
- d. In addition to the above rates for gas service, a ready to service charge of 50 cents shall be made to and paid by each customer having meter connections with the respondent.

2. That the complaint herein against the respondent concerning its charges for electricity in the village of Geneseo be and the same hereby is dismissed.

3. That at any time after February 1, 1918, either party may apply to the Commission for a revision of such rates and schedule or for the reopening of this case for further hearing; or in case the Geneseo Gas Light Company shall at any time before February 1, 1918, establish and maintain a natural gas plant and distribution system adequate for the necessities and convenience of the inhabitants of the village of Geneseo, then and in such case, and with the approval of this Commission, the said Geneseo Gas Light Company may cancel said schedule of rates hereinabove provided for, and discontinue the manufacture and service of illuminating gas in the village of Geneseo.

4. That said rates for gas and service specified in subdivision 1 of this order may be stated by the respondent, Geneseo Gas Light Company, in the schedule to be filed with the Commission on or before the 25th day of January, 1917, and issued as its general schedule for gas rates and service in the village of Geneseo, which shall show the effective date thereof as February 1, 1917, and to be continued for at least one year thereafter, and shall bear the following notation: "Issued by authority of the Public Service Commission, Second District, State of New York; order granted in this matter and dated January 16, 1917."

[Case No. 5730]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of PATRONS OF TRAIN No. 5, passenger, leaving Exchange Street, Buffalo, station at 6:30 a. m., *against* THE NEW YORK CENTRAL RAILROAD COMPANY, as to said train being late at Echota (Niagara Falls).

The complaint in this case was made by C. B. Butler and many others for employees of Frank Sweet, a contractor, who is doing considerable construction work at Echota, near Niagara Falls, and said complainants reside in the city of Buffalo and use train No. 5 of The New York Central Railroad Company which is scheduled to leave the Exchange Street station at 6:30 in the morning, taking them to their work at Echota; the specific complaint is that said train is late owing to various reasons, chief among which is the interference therewith by freight trains of the respondent on said tracks in the city of Buffalo. The answer of the respondent states that the schedule of said train was maintained except when interfered with by other trains on the tracks, and the congestion in the station at Buffalo. A hearing was held in this case in the city of Buffalo on the 22nd day of December, 1916, at which hearing none of the complainants appeared, but the same was attended by Mr. Maurice C. Spratt of Buffalo, the attorney for the respondent; Mr. Harry Parry of Buffalo, general passenger agent of the respondent; and Mr. D. B. Fleming of Buffalo, superintendent of the Buffalo division of the respondent, also appeared; and it developed on said hearing that said train had been moved backward from its leaving time so that the same now leaves Exchange Street station at 6:22, instead of 6:30 at the time said complaint was made; this, it was claimed by the representatives of the respondent, would satisfy the complaint herein, and said train would arrive in due time at Echota, as the complainants desire, even though the same difficulties of congestion may exist at the station and along the line. It was deemed best to adjourn said hearing to December 29, 1916, at 10 a. m., in order to accommodate the complainants who had requested an adjournment; on said later date none of the complainants appeared; and it was shown satisfactorily from the proceedings in this case that the respondent is maintaining the schedule of said train reasonably well and that the complaint in this case should be dismissed. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed, with the privilege however to any of said complainants of moving for a rehearing upon good cause shown.

[Case No. 5750]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of MRS. I. E. WILLIAMS of Delevan, Cattaraugus county, *against* BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, asking for a new station building and the employment of an agent at Riceville station.

This case was brought to the Commission upon the complaint of the above named complainant, asking that the respondent be required to construct a new station building and establish an agent therein at Riceville, a local station on the line of its railroad; such complaint was filed with the Commission October 30, 1916, and on the 21st day of November, 1916, the respondent filed its answer herein alleging that the present station building was adequate for the business of said station and that very few passengers alighted from trains or took trains thereat; and that such station building was cared for by the agent of the respondent at West Valley, about two miles away; and that the yearly freight business at said station amounted to only the sum of \$2110.85. The case was duly assigned for hearing, and considerable correspondence followed, seeking an adjustment of the differences between the parties, which was finally obtained as appears from the letter on file with the Commission dated November 25, 1916, from the attorneys for the respondent; and from the letter of the complainant on file with the Commission and dated December 13, 1916, showing that the complaint herein has been adjusted and satisfied, although the said complainant asks in said letter that the Commission take up her request that train passing the station of Riceville at 11 a. m. be required to stop for the convenience of the residents of that place; such additional claim being outside of the case at hand, the same will be treated separately and this case be closed. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5798]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of EDWARD T. BERRY AND OTHERS OF IRVING, Chautauqua county, *against* RECEIVER, BUFFALO AND LAKE ERIE TRACTION COMPANY, asking that new waiting room on the railroad be constructed at Irving.

This case comes to the Commission upon the complaint of Edward T. Berry and others residing in the village of Irving, Chautauqua county, asking the

Commission, pursuant to the provisions of section 50 of the Public Service Commissions Law, to require the respondent to construct and maintain a suitable waiting room for patrons of its suburban trolley line in said village of Irving; the complaint is made that the so called station is a small three-sided shelter about 8x6 feet in size, which does not conveniently accommodate those who are compelled to wait for the cars of the respondent; it is also claimed that said waiting station is improperly located on a curve of the railroad and in a portion of said village which is inconvenient for a large number of those who are required to use the same; the Commission is asked to order the respondent to change the location of said station and erect a new one at or near the junction of the tracks and the end of Erie street, which is less than three hundred feet away from the old site; the answer of the respondent sets forth that the railroad in question is in the hands of a receiver, and that he is willing to rebuild the said station on its present site so that the same will be approximately 10x20 feet; the answer further alleges that the respondent is opposed to any change in the location of said station. A hearing was held in this case in the village of Silver Creek on the 4th day of January, 1917, at which hearing several of the complainants appeared in person and by Mr. Claude L. Newman of Silver Creek as counsel; and Mr. Thomas R. Wheeler, of the firm of Kenefick, Cooke, Mitchell and Bass, of Buffalo, appeared as counsel for the respondent, together with some of the officers thereof; considerable proof was taken in the case, and at the close of the hearing at Silver Creek an adjournment was taken to the station itself, where, in the presence of all of said parties the sitting Commissioner viewed the old and new sites in question and the circumstances surrounding their location, with particular reference to the convenience in reaching the same by the residents of said village; from such proofs and personal inspection it satisfactorily appears to the Commission that the present waiting station is in every respect unsuitable and inadequate; it is too small for the accommodation of the public; it is open and exposed for all of one side and is consequently without protection from inclement weather, and is unsanitary; such structure is located on the northeasterly side of the trolley tracks close to the southerly side of an improved highway known as the Buffalo road, and just across said highway from a long bridge which carries said trolley line across Cattaraugus creek, and is situated in the extreme northeast corner of said village of Irving. That the respondent has arrangements with a store keeper in said village to sell its tickets, and the ticket office is located nearly seven hundred feet from the present waiting station; which latter place must be reached by going around a block and over two streets or passing over the right of way of the respondent's railroad; that the respondent now maintains a small building at the junction of its right of way and Erie street for its freight business, and that is the point selected by the complainants as the most convenient place for the new passenger station; and it is the judgment of the Commission that this would be the correct disposition to make herein; such freight building is approximately 10x20 feet in size, and there is ample opportunity at either side thereof, at such junction point, to erect a suitable passenger station such as should be maintained by the respondent for the accommodation of those using its road, for it appears that it is only 263 feet from said present ticket office to said junction, and that such location would be far more convenient for the majority of the residents of said village than the old site; it also appeared that if the respondent constructed a building large enough for such conveniences, there were people in the village who, without expense to the respondent, would care for said station and sell tickets therein in return for the privilege of maintaining a place for the sale of confectionery, periodicals, and small wares. A further question was raised at the hearing as to the accommodation for those passengers who live and work in the neighborhood of the canning factory which is to the north of such Buffalo road, but it clearly appears that the right of way between said Buffalo road and said new site, which is a distance of only 345 feet, is ample in width to provide a pathway for those coming from said locality north of the Buffalo road to take cars of the respondent; and the residents of the village of Irving agreed at the hearing to provide a proper guard or fence with posts and wires between

the tracks of the respondent and said pathway, if the respondent permitted such pathway to be used. It is therefore

Ordered: 1. That the respondents, Buffalo and Lake Erie Traction Company and George Bullock, its Receiver, be and each of them hereby is directed to construct and complete on or before March 1, 1917, and thereafter maintain, a new building for its passenger station at said Irving, at or near the junction of its right of way and Erie street in said village, which said building shall have such elevation as will provide proper and convenient entrance thereto and exit therefrom; that said building shall be constructed of either wood or other substantial material, and shall contain a waiting room which shall be at least 20 feet long and 12 feet wide, having therein proper windows and doors, and with conveniences for seating at least 15 people; and such room shall be entirely inclosed and shall be kept clean, warm, and open at all convenient hours; there shall be convenient entrances to said room, one from Erie street and the other from a platform which shall be constructed and maintained between the said building and the tracks of the railroad, and to be of convenient width and length for such station purposes; but said respondents are hereby authorized, in their discretion, to combine the said passenger station with their said freight station in case that course shall be deemed feasible.

2. That on and after March 1, 1917, the said new station herein provided for shall be used and designated as the passenger station of the respondent at said village of Irving, and immediately the respondents shall discontinue the use of the present shelter building as such station.

3. That immediately upon the completion and use of said new station building the respondents shall formulate and enforce a rule, which shall continue until the further order of this Commission, that all cars approaching said Buffalo road from either direction shall cross said highway at a rate of speed not to exceed 10 miles per hour.

4. That the respondents, Buffalo and Lake Erie Traction Company and the said Receiver, are hereby directed to notify this Commission in writing, pursuant to the provisions of section 23 of the Public Service Commissions Law, whether the terms of this order are accepted and will be obeyed.

[Case No. 5803]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the incorporated VILLAGE OF AKRON, Erie county, under section 68 of the Public Service Commissions Law for a certificate of authority to build, maintain, and operate for other than municipal purposes, as well as municipal purposes, an electric plant.

The trustees of the Village of Akron having duly filed their petition with the Commission on the 29th day of November, 1916, asking the permission and approval of this Commission to build, maintain, and operate the works and system necessary for the distributing and supplying of electricity for lighting purposes, other than municipal, under the provisions of section 68 of the Public Service Commissions Law; and this matter having come on for a hearing before the Commission in the city of Buffalo on the 20th day of

December, 1916, after notice of said hearing having been duly given and published as required by law; and proof of such publication having been duly filed with the Commission; and upon said hearing certain proofs and proceedings having been taken and had whereby it satisfactorily appears that the Village of Akron is a duly incorporated village under the laws of the State of New York, and that the qualified electors of said village, at a special election duly held in the village of Akron on the 24th day of October, 1916, voted in favor of the proposition to install a commercial lighting and power system and street lighting plant by a vote of 180, of which 160 voted in favor thereof and 19 voted in the negative; and it satisfactorily appearing that the said municipality is to obtain its electric power from the Genesee Light and Power Company; and that at the said election the sum of \$19,000 was authorized as the amount of bonds to be issued by said Village of Akron to pay for the said plant, including the installation of an electric pumping system in the water works of said village. Mr. Elton H. Beals, of the firm of Strebel, Corey, Tubbs and Beals, of Buffalo having appeared for the Genesee Light and Power Company; Mr. S. E. Sill, the chairman of the light and water board of the Village of Akron, and Mr. H. L. Steiner of Akron, the village attorney, together with Messrs. R. S. Mills, H. G. Fisher, E. E. Shields, C. F. Higgins, and J. Fayler, constituting the Village Board of Akron, having also appeared, all in favor of said petition; and there being no opposition thereto; and from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said electric plant and the operation thereof for other than municipal purposes are necessary and convenient for the public service, it is therefore

Ordered: That the petition herein be and the same hereby is granted, and that the duly constituted authorities of said Village of Akron be and they hereby are authorized to construct, maintain, and operate a system for furnishing and distributing electricity for light and power to the said village and its inhabitants, under and pursuant to the provisions of section 68 of the Public Service Commissions Law.

[Case No. 5812]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the DANSVILLE BOARD OF TRADE *against* ERIE RAILROAD COMPANY and RECEIVER OF DANSVILLE AND MOUNT MORRIS RAILROAD as to alleged proposed taking off of trains Nos. 440 and 441, passenger, between Dansville and Rochester.

This case was brought to the Commission upon the written complaint of the Dansville Board of Trade, filed herein on the 7th day of December, 1916; the complaint alleges that the Erie Railroad Company has for some years operated through steam railroad trains Nos. 440 and 441 between the city of Rochester and the village of Dansville, which trains made the run between those places in one hour and thirty-five minutes, and the people of Dansville have grown accustomed to rely upon the same; and that the Erie Railroad Company had given notice that it proposed to discontinue the operation of said trains after January 7, 1917; answers were filed herein by the Erie Railroad Company and the Receiver of the Dansville and Mount Morris Railroad on the 23rd day of December, 1916, both of which answers show that

the Erie Railroad Company operated said trains over its own line of railroad between the city of Rochester and the village of Mount Morris, and from that point on to Dansville over the railroad of the Dansville and Mount Morris company, the latter distance being about fifteen miles. A hearing was had in this case by the Commission in the city of Buffalo on the 3rd day of January, 1917, at which hearing Mr. C. W. Knappenberg of Dansville appeared for the complainant; Mr. M. V. Pierce of New York city appeared for the Erie Railroad Company; Mr. D. P. Chindblom of Rochester appeared for the Rochester Chamber of Commerce; Mr. J. D. Cummin of Rochester, and Mr. A. C. Hilton of Buffalo, appeared for the Erie Railroad Company; and Messrs. T. F. Humphrey of 22 William street, New York city, attorney Receiver, Robert P. Dana, of 15 William street, New York city, chief engineer, and William Humphrey of Dansville, the general superintendent, appeared on behalf of the Dansville and Mount Morris Railroad. Considerable proof was taken, from which it satisfactorily appears that the Erie Railroad Company has substituted electric trolley cars between Rochester and Mount Morris for its steam trains, and at said hearing agreed to maintain substantially the same schedule over its line as before, while the Dansville and Mount Morris Railroad also agreed at said hearing to run three trains each way between Dansville and Mount Morris, with convenient connections at Mount Morris with The Delaware, Lackawanna and Western Railroad Company for Buffalo on the west and for points to the east, and with the said Erie trolley cars for Rochester. Under these circumstances it does not appear that the substantial service heretofore given to the people of Dansville by these railroads has been seriously interfered with or lessened, and if such schedules of trains and trolley cars are maintained over said lines, it is not apparent that the Commission should take any action against the respondents. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with the privilege however to the complainant to move for the reopening of the case whenever circumstances seem to justify the same.

[Case No. 4108]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEWEY P. HODSON,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration as to the manner in which state highway No. 5346 crosses the tracks of the St. Lawrence and Adirondack divisions of the New York Central and Hudson River railroad about 0.6 mile north of Remsen station, in the town of Remsen, Oneida county, N. Y.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the Saw Mill highway and Phelps highway grade crossings of the tracks of the St. Lawrence and Adirondack divisions of the New York Central and Hudson River railroad, the Phelps highway crossing being located north and the Saw Mill highway being located south of the state highway crossing.

Upon the recommendation of The New York Central Railroad Company for the approval of a change statement covering additional work performed

by the contractor and not included in the original contract, said work to be done on the basis of cost plus 10 per cent, consisting of the placing of cinders on the embankment where the same had been damaged by wash and scour, the construction of a permanent drain in place of a temporary wooden drain, and the construction of temporary fences and guard-rails; and upon the statement of the State Commission of Highways that said work was necessary and properly chargeable as indicated in a letter from E. A. Bonney, acting first deputy commissioner, dated January 4, 1916, it is

Ordered: That change statement No. 4, authorizing the railroad company to include charges for cinders, drain, railings, etc., in the accounting to be rendered upon the basis of actual cost plus 10 per cent, be and it is hereby approved.

[Case No. 4535]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which a new highway known as the Eastern Boulevard shall be constructed across the Carthage branch, Saint Lawrence division, of the New York Central and Hudson River railroad in the city of Watertown.

Ordered: 1. That the first intermediate accounting entered into by The New York Central Railroad Company with the State Commission of Highways, showing expenditures to the amount of \$24,324.63, including interest to December 1, 1916, properly and necessarily incurred in carrying out the Commission's order of December 22, 1914, in the above entitled matter, be and it is hereby approved, of which said amount the sum of \$24,105.82 has been expended by the railroad corporation and the sum of \$218.81 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and accepted by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$24,324.63 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$12,162.32, and the share of the State of New York is the sum of \$12,162.31, upon which it is entitled to a credit in the sum of \$218.81 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said The New York Central Railroad Company from funds appropriated for the improvement of highways the sum of \$11,943.50.

[Case No. 5118]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 91 of the Railroad Law as to changes in existing bridges carrying North street and North Clinton street over said company's railroad in the city of Poughkeepsie.

Ordered: That a first intermediate accounting be entered into by the Central New England Railway Company, the City of Poughkeepsie, and this Commission, covering all expenditures as nearly as they may be determined to January 1, 1917, in carrying out the Commission's determination of May 10, 1916, in the above entitled matter.

[Case No. 5688]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the BOARD OF TRUSTEES OF THE VILLAGE OF GENESEO, Livingston county, against GENESEO GAS LIGHT COMPANY as to price charged residents for gas, and as to price charged the village for electric street lights.

An order having been duly made in this case on the 16th day of January, 1917, which establishes a new schedule of rates to be charged by the Geneseo Gas Light Company to its consumers of gas in the village of Geneseo, and making the effective date thereof February 1, 1917; and certain communications and stipulations contained in a telegram and letter, both dated January 19, 1917, and signed by the attorneys for the respective parties herein, having been duly received by the Commission, it is therefore

Ordered: In accordance with such stipulations, that the effective date of said order and schedule herein be and the same hereby is changed from February 1, 1917, to March 1, 1917.

by the contractor and not included in the original contract, said work to be done on the basis of cost plus 10 per cent, consisting of the placing of cinders on the embankment where the same had been damaged by wash and scour, the construction of a permanent drain in place of a temporary wooden drain, and the construction of temporary fences and guard-rails; and upon the statement of the State Commission of Highways that said work was necessary and properly chargeable as indicated in a letter from E. A. Bonney, acting first deputy commissioner, dated January 4, 1916, it is

Ordered: That change statement No. 4, authorizing the railroad company to include charges for cinders, drain, railings, etc., in the accounting to be rendered upon the basis of actual cost plus 10 per cent, be and it is hereby approved.

[Case No. 4535]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which a new highway known as the Eastern Boulevard shall be constructed across the Carthage branch, Saint Lawrence division, of the New York Central and Hudson River railroad in the city of Watertown.

Ordered: 1. That the first intermediate accounting entered into by The New York Central Railroad Company with the State Commission of Highways. showing expenditures to the amount of \$24,324.63, including interest to December 1, 1916, properly and necessarily incurred in carrying out the Commission's order of December 22, 1914, in the above entitled matter, be and it is hereby approved, of which said amount the sum of \$24,105.82 has been expended by the railroad corporation and the sum of \$218.81 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and accepted by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$24,324.63 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$12,162.32, and the share of the State of New York is the sum of \$12,162.31, upon which it is entitled to a credit in the sum of \$218.81 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said The New York Central Railroad Company from funds appropriated for the improvement of highways the sum of \$11,943.50.

[Case No. 5118]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 91 of the Railroad Law as to changes in existing bridges carrying North street and North Clinton street over said company's railroad in the city of Poughkeepsie.

Ordered: That a first intermediate accounting be entered into by the Central New England Railway Company, the City of Poughkeepsie, and this Commission, covering all expenditures as nearly as they may be determined to January 1, 1917, in carrying out the Commission's determination of May 10, 1916, in the above entitled matter.

[Case No. 5688]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the BOARD OF TRUSTEES OF THE VILLAGE OF GENESEO, Livingston county, against GENESEO GAS LIGHT COMPANY as to price charged residents for gas, and as to price charged the village for electric street lights.

An order having been duly made in this case on the 16th day of January, 1917, which establishes a new schedule of rates to be charged by the Geneseo Gas Light Company to its consumers of gas in the village of Geneseo, and making the effective date thereof February 1, 1917; and certain communications and stipulations contained in a telegram and letter, both dated January 19, 1917, and signed by the attorneys for the respective parties herein, having been duly received by the Commission, it is therefore

Ordered: In accordance with such stipulations, that the effective date of said order and schedule herein be and the same hereby is changed from February 1, 1917, to March 1, 1917.

36 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5731]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the BUFFALO PRODUCE EXCHANGE, representing the Frontier Sand and Gravel Corporation and Squaw Island Sand and Gravel Corporation, complainants, against THE NEW YORK CENTRAL RAILROAD COMPANY, respondent, as to proposed rate and carload minimum weight regulation applying in connection therewith on sand and gravel in carloads, from North Tonawanda, N. Y., to Niagara Falls, N. Y.

Second
suspension
order.

In this matter, by order dated October 11, 1916, this Commission suspended a new rate and minimum weight regulation in certain tariffs of The New York Central Railroad Company pending investigation and determination of the matters involved; such investigation not having been finished, it is

Ordered: That the operation of the new rate and minimum weight regulation stated in the schedules contained in tariffs of The New York Central Railroad Company designated, "The New York Central Railroad Company, supplement No. 3 to its P. S. C., 2 N. Y., N. Y. C. No. 2329, effective October 16, 1916; supplement No. 4 to its P. S. C., 2 N. Y., N. Y. C. No. 2329, effective October 30, 1916," which new rate and minimum weight regulation have the effect of increasing the carload rate and charge from North Tonawanda, N. Y., to Niagara Falls, N. Y., on sand and gravel, is hereby further suspended until March 2, 1917, such suspension deferring the operation of said new rate and minimum weight regulation stated in said tariffs on New York state traffic until March 2, 1917.

[Case No. 5767]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 55, Public Service Commissions Law, for authority to issue \$25,000,000 common capital stock.

Petition filed November 3, 1916; preliminary report of division of capitalization dated January 10, 1917; hearing held January 18, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The New York Central Railroad Company is hereby authorized to issue \$25,000,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$25,000,000.

2. That said stock of the par value of \$25,000,000 so authorized or the proceeds thereof shall be used solely and exclusively for the reimbursement of the treasury of the petitioner for moneys actually expended from income for assets acquired and the payment of obligations incurred for proper capital purposes within five years prior to the filing of the application herein.

3. That The New York Central Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used for the purpose specified herein during such period of the proceeds of the stock herein authorized. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds used the report shall set forth such fact.

4. That this case shall be continued on the records of this Commission pending the completion of its inquiry into the accounts and property of the petitioner.

5. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and this order shall be of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5772]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the UNITED TRACTION COMPANY'S proposed new passenger fares and charges, and regulations and practices affecting such fares and charges. Second
suspension
order.

In this matter, by order dated November 8, 1916, this Commission suspended until the 25th day of January, 1917, "United Traction Company local tariff of passenger fares, P. S. C., 2 N. Y., No. 10," pending investigation and determination of the matter involved; such investigation not having been finished it is

Ordered: That said United Traction Company local tariff of passenger fares, P. S. C., 2 N. Y., No. 10, is hereby further suspended until February 26, 1917, such suspension deferring the use of the fares, regulations, and practices stated in said tariff until February 26, 1917.

It is further Ordered: That upon receipt by said United Traction Company of a certified copy of this order of January 23, 1917, said company shall pub-

lish and file with this Commission proper tariff amendment stating that United Traction Company local tariff of passenger fares, P. S. C., 2 N. Y., No. 10, is suspended by the Public Service Commission, Second District, and that the fares, regulations, and practices stated in said tariff may not be applied or charged until February 26, 1917; which tariff amendment shall also refer by proper P. S. C., 2 N. Y., number to the tariff which is in force in place of the one suspended; and its title page shall show the date it is issued and bear the notation "Issued to the public and the Commission under order of the Public Service Commission Second District, State of New York, dated January 23, 1917, in case No. 5772."

[Case No. 5500]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of the SOUTH SHORE NATURAL GAS AND FUEL COMPANY and FROST GAS COMPANY under section 70, Public Service Commissions Law, for consent to the transfer of the franchises and system of the South Shore Natural Gas and Fuel Company to Frost Gas Company.

Petition filed April 6, 1916; hearing held April 24, 1916; amendatory petition filed October 5, 1916; hearings held October 18 and 25, 1916; preliminary report of division of capitalization dated December 22, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Frost Gas Company is hereby authorized to acquire and hold the entire outstanding issue of common capital stock of the South Shore Natural Gas and Fuel Company, consisting of 1000 shares, each of the par value of \$100, aggregating a par value of \$100,000, at a cost to it of not more than \$1,247,474.23, upon the following terms and conditions: (a) That as the purchase price allowed herein for this stock is predicated upon the statement of the assets and liabilities of the South Shore Natural Gas and Fuel Company as of September 30, 1916, reported by the Commission's division of capitalization, it can only be paid if the assets of that company exceed its liabilities upon the date of the acquisition of the stock by the Frost Gas Company by at least the same amount; (b) that if at the time of the acquisition by the Frost Gas Company of such South Shore Natural Gas and Fuel Company's stock the \$155,000 face value of 6 per cent ten-year first mortgage bonds of the latter company shall have been canceled and the mortgage dated June 29, 1905, securing the same shall have been satisfied of record, the Frost Gas Company may increase its purchase price for the aforesaid stock by the amount of the face value of such canceled bonds; (c) that the Frost Gas Company in accepting this order agrees that it will not at any time carry upon its books as an asset the capital stock of the South Shore Natural Gas and Fuel Company at a higher value than that then indicated for it by a correct statement of the excess of the South Shore Natural Gas and Fuel Company's assets over its liabilities.

2. That the Frost Gas Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock of the South Shore Natural Gas and Fuel Company has been acquired pursuant to the authority

contained herein; (b) the date of such acquisition; (c) from whom such stock was acquired; (d) the amount and nature of the consideration paid for the same; (e) any other terms and conditions of such acquisition. Such reports shall continue to be filed until all of the stock of the South Shore Natural Gas and Fuel Company shall have been acquired in accordance with the authority contained herein, and if during any period no such stock was acquired the report shall set forth such fact.

3. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days from the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Chairman Van Santvoord dissenting; Commissioner Carr not voting.

[Case No. 5501]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Joint Petition of SOUTH SHORE NATURAL GAS AND FUEL COMPANY and PRINCIPAL REALTY COMPANY under section 70, Public Service Commissions Law, for consent to the transfer by the South Shore Company of its natural gas wells and natural gas leases to the Principal Realty Company.

Petition filed April 6, 1916; hearing held April 24, 1916; amendatory petition filed September 30, 1916. The petition of the Principal Realty Company filed herein on the 6th day of April, 1916, asks for authority to acquire the gas producing land and leases of the South Shore Natural Gas and Fuel Company. At the same time, the Frost Gas Company, in case No. 5500, applied for permission to acquire the distribution system of the South Shore Company. Subsequently, by amendatory petition in case No. 5500, filed on October 5, 1916, the Frost Gas Company asks for permission to acquire all of the outstanding common capital stock of the South Shore Natural Gas and Fuel Company, which petition nullifies the prayer of the application of the Principal Realty Company in this proceeding. Now therefore, upon the foregoing record,

Ordered: That the application of the Principal Realty Company in this proceeding is hereby dismissed and the case closed on the records of this Commission.

in case No. 5500); preliminary report of division of capitalization dated December 22, 1916 (filed in case No. 5500). Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Frost Gas Company is hereby authorized to acquire and hold the entire outstanding issue of capital stock of the Silver Creek Gas and Improvement Company, consisting of 4000 shares, each of the par value of \$25, aggregating a par value of \$100,000, at a cost to it of not more than \$119,992.90, upon the following terms and conditions: (a) That as the purchase price allowed herein for this stock is predicated upon the statement of the assets and liabilities of the Silver Creek Gas and Improvement Company as of September 30, 1916, reported by the Commission's division of capitalization, it can only be paid if the assets of that company exceed its liabilities upon the date of the acquisition of the stock by the Frost Gas Company by at least the same amount; (b) that the Frost Gas Company in accepting this order agrees that it will not at any time carry upon its books as an asset the capital stock of the Silver Creek Gas and Improvement Company at a higher value than that then indicated for it by a correct statement of the excess of the Silver Creek Gas and Improvement Company's assets over its liabilities.

2. That the Frost Gas Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock of the Silver Creek Gas and Improvement Company has been acquired pursuant to the authority contained herein; (b) the date of such acquisition; (c) from whom such stock was acquired; (d) the amount and nature of the consideration paid for the same; (e) any other terms and conditions of such acquisition. Such reports shall continue to be filed until all of the stock of the Silver Creek Gas and Improvement Company shall have been acquired in accordance with the authority contained herein, and if during any period no such stock was acquired the report shall set forth such fact.

3. That the authority contained in this order is upon the express condition that the Frost Gas Company accepts and agrees to comply in good faith with the provisions hereof; and within thirty days from the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Chairman Van Santvoord dissenting; Commissioner Carr not voting.

[Case No. 5636]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of GORDON LUMBER COMPANY of Middletown, ADELA L. MARTIN, and CARRIE H. DOWNS against ERIE RAILROAD COMPANY, asking for switching service from the New York, Ontario and Western railway to the lumber company's yard in Middletown.

The Gordon Lumber Company asks that the Erie Railroad company be required to switch cars from its interchange track with the New York, Ontario

and Western railway at Middletown to a sidetrack upon or adjoining its property near the Erie station in Middletown. The case is in all respects similar to that of *Snyder, Fancher Company v. Erie Railroad Company*, IV P. S. C., 2nd D., 200, except that in this case the railroad company contends that the track in question is not a sidetrack designed primarily for the use of the industries abutting thereon, but that it is a work track of the railroad. The switching service is claimed under the same tariff involved in the Snyder, Fancher case. The sidetrack involved leads from the eastbound main track at a point just west (time-table direction) of James street, and is about four hundred feet in length. There is a dispute as to boundary lines, the complainant contending that the sidetrack is in part on its property, and the railroad contending that it is altogether on railroad right of way. In the view taken by the Commission, the determination of the dispute as to title is immaterial to the present application. The sidetrack for a large part of its present length was constructed at least as early as 1860, and apparently for the purpose of accommodating a brick yard. It was in later years extended to its present length to a point just east of Main street. A portion of the sidetrack was for many years over a trestle under which were coal pockets, and it was used among other things for the purpose of delivering coal by dumping into these pockets. For many years cars have been spotted on the track to serve the complainants, Swift & Company, and one other industry, but in 1913 the respondent refused to take cars from the Ontario and Western and spot them on this track under the tariff referred to. A short distance to the east of the Middletown station a sidetrack diverges to the north and serves certain other industries, several of which are in direct competition in business with the complainant. The only difference in the situation is that this track is largely concededly on private land. Cars are switched under the tariff from the Ontario and Western to this track and to serve the abutting industries. There seems to have been no specific contract at any time with relation to the track directly under consideration, but it does appear that the railroad company some years ago demanded and received compensation for repairing the trestle over which the track then extended and which has since been replaced by a fill. The railroad claims that it has the primary right to the use of the track and that spotting of cars for the abutting industries is a matter of accommodation only and subject to its own primary right. The sidetrack immediately parallels the main tracks, and if not partly on the complainants' lands, it abuts thereon. There is no access to it for teams or otherwise except through the property of the abutting industries. It is quite evident that for sixty years or thereabouts it has been used to accommodate the complainants, their neighbors and their predecessors, in all respects as if it were a private sidetrack, and its use by the railroad for its own purposes could only be for temporary storage of cars. Such use is generally reserved by railroads in private sidetrack agreements. Appeal is made to rulings of the Interstate Commerce Commission defining private sidetracks. This case can not be decided upon a definition. The fact stands out prominently and unmistakably, that for all purposes except the application of this particular tariff and for its application for some years prior to 1913 the track has been treated and used both by the railroad company and the abutting owners as if it were a private sidetrack, and that the railroad's present practice of refusing to switch cars from the Ontario and Western to this track, while it has a tariff providing for such switching which it applies to other tracks used by complainants' competitors, is an unjust and unjustifiable discrimination. It is therefore

Ordered: 1. That the respondent, Erie Railroad Company, shall under its tariff P. S. C., 2 N. Y., No. 2045, now in existence, or any similar tariff which may hereafter be filed, receive upon its interchange tracks with the New York, Ontario and Western railroad at Middletown carload freight consigned to the complainant and deliver the same upon the sidetrack adjoining complainants' premises in Middletown.

2. That the respondent shall notify this Commission on or before the 10th day of February, 1917, of its acceptance of this order.

44 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5656]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day of
January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of MILTON L. SKINNER,
E. O. BARNES, WILLIAM PULIS, ORVAL H. KAYS, and
FULBOAM DAIRY COMPANY of Milanville, Penna.,
against ERIE RAILROAD COMPANY, asking that a proper
passenger and freight station building be constructed
at Skinner's Falls, Sullivan county, N. Y.

Upon the facts found and for the reasons stated in the accompanying
Opinion, it is

Ordered: 1. That the Erie Railroad Company shall, on or before the 1st
day of June, 1917, erect at Skinner's Falls a suitable building to be used as a
passenger and freight station; and that on or before the 1st day of March,
1917, it shall submit to the Commission plans and outline specifications
therefor.

2. That upon the completion of said station it shall establish an agent for
the care of the station, the sale of tickets, the checking and handling of
baggage, and the billing and handling of freight.

3. That said Erie Railroad Company shall notify the Commission on or
before the 10th day of February, 1917, as to its acceptance of this order.

[Case No. 5659]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 25th day of
January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF UTICA
AND VICINITY, patrons of New York State Railways,
against NEW YORK STATE RAILWAYS as to fare
between Utica and Ilion.

A number of residents of Utica and vicinity complain that the round-trip
fare between Utica and Ilion is excessive. The New York State Railways
operates an interurban line from Rome easterly through Utica, Frankfort,
Ilion, Mohawk, and Herkimer to Little Falls. It also operates the city system
in Utica. There is and long has been effective a round-trip rate from Utica
Park, at the easterly boundary of the city of Utica, to Ilion of twenty-five cents.
The distance is a little over ten miles. The round-trip rate, including trans-
portation within the city of Utica with full transfer privileges, is thirty-five
cents. The complainants desire that the rate from Utica Park be reduced to

fifteen cents, which would work a corresponding reduction, including transportation within the city, to twenty-five cents. At the hearing very little evidence was offered to show that the present rates are unreasonably high. The complaint was founded more upon the desires and needs of the patrons than the essential justice of the rates. At present, from six hundred to one thousand residents of Utica are employed in the works of the Remington Arms Company at Ilion. A number of others are employed in the Remington Typewriter Works and the works of the Library Bureau. It is contended that the outlay of twenty-five to thirty-five cents each day is a serious burden, and that the traffic is so heavy that a lower rate would be profitable. The present tariff is at the rate of 1.28 cents a mile, which is lower than any comparable rate within the State except that between Rochester and Charlotte. This fact is, however, inconclusive, and were it probable that the present volume of traffic would continue, a commutation rate offering some substantial reduction might be practicable. The present large volume of travel is, however, due to the abnormal activity of the Arms company in fulfillment of contracts for the warring European countries. While the complainants seem sure that the activity will continue after the restoration of peace, this seems improbable. The present rate is not normally excessive, and there would be difficulty in restoring it if a return to normal conditions should render a lower rate non-remunerative. Should the hopes of the complainants as to the permanency of present conditions be realized, the complaint may be renewed. It is

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 5773]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the TOWN BOARD (acting with the town superintendent of highways) of THE TOWN OF GREECE, Monroe county, under section 90 of the Railroad Law for a determination of how four new highways shall cross a siding of the New York Central railroad known as the Kodak switch.

In the above entitled matter the Commission held a hearing on November 29, 1916, at which time proof of publication of notice and of personal service of such notice on interested parties was made. At the hearing appeared George Y. Webster for the petitioning Town Board; Harris, Beach, Harris & Matson, by Daniel M. Beach, for The New York Central Railroad Company; John J. Reilly for the Union Trust Company; and the following members of the Town Board: Hugh L. Hughes, town clerk, and C. L. Lewis, town superintendent of highways; and Justices of the Peace Miller and Glass. At the hearing it was shown that the so called Kodak switch of the New York Central railroad extends across a tract of land in the town of Greece immediately adjoining the city of Rochester which tract some years ago was laid out into lots and streets and has become a thickly peopled suburb. The object of the proceeding is to determine the manner in which four of the streets, to wit, Palm street, Dayton Park, Pullman avenue, and Aster street shall cross the so called Kodak switch. It was shown that the municipality had in all respects complied with section 90 of the Railroad Law, had given proper notice

and a hearing to the railroad company as to the proposed extension of said streets across the track, and that the town board had September 11, 1916, determined that the extension of said streets across said track is necessary. While it would seem that at least two of such crossings might be avoided by diverting traffic to other streets and the suggestion so to do was made at the hearing, the municipal authorities did not accept the suggestion; and under the statute the sole function of the Commission, the necessity of the extensions having been determined by the local authorities, is to determine whether the streets shall be constructed over or under the railroad, or at grade. Drainage conditions prevent carrying the street under the railroad. The cost of carrying them over the railroad would, under present conditions, be prohibitive. While the number of train movements is considerable, they are all switching movements and conducted at a low rate of speed, said not to exceed five miles per hour. A restriction of train movements over said crossings to such speed of five miles an hour seems for the present to be a sufficient safeguard to the public, as the probable traffic on each of such streets will be local in character and small in volume. It is therefore

Ordered: 1. That Palm street, Dayton Park, Pullman avenue, and Aster street shall cross the so called Kodak switch of the New York Central railroad in the town of Greece, Monroe county, at the grade of the railroad tracks.

2. That all movements of locomotives and cars over said crossings shall be at a speed not to exceed five miles per hour.

[Case No. 5822]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of LONG BEACH POWER COMPANY under section 68, Public Service Commissions Law, as to construction of electric lines on property of Estates of Long Beach and of The Lido Corporation.

This is an application by the Long Beach Power Company under section 68 of the Public Service Commissions Law for the permission and approval of this Commission to the construction, maintenance, and operation of an electric plant in that portion of the town of Hempstead known as the Estates of Long Beach, and particularly in that part of the Estates of Long Beach which has been acquired by The Lido Corporation. A hearing was held at the office of the Commission in the city of New York on January 13, 1917, at which time Mr. Ellery O. Anderson appeared on behalf of the petitioner, and no one appeared in opposition. At said hearing, proofs of publication of the notice of this application were filed with the Commission. The Estates of Long Beach formerly included the present village of Long Beach which is in the town of Hempstead. The petitioner is now carrying on its business in the village pursuant to an agreement originally made by it with the Estates of Long Beach, and also under an order made by this Commission on July 10, 1916. The petitioner now proposes to extend its lines from the village to the property of The Lido Corporation, for the purpose of supplying electricity for lighting, heating, and power purposes upon said property. The petitioner claims that

it does not require any franchise to enable it to carry its wires through the various streets and highways in the territory in question, because it obtained the right to use them before they were dedicated to the public. After due deliberation, the Commission having determined that the construction, maintenance, and operation of such electric plant are necessary and convenient for the public service, it is

Ordered: That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Long Beach Power Company to construct, maintain, and operate an electric plant, together with transmission and distribution lines, in that portion of the town of Hempstead known as the Estates of Long Beach, and in and upon the property now owned and controlled by The Lido Corporation which was formerly part of the Estates of Long Beach.

[Case No. 5823]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of RESIDENTS OF THE HAMLET OF PINE BUSH, Orange county, *against* ORANGE COUNTY TELEPHONE COMPANY, asking that its lines be extended, and complaining of the rates charged for telephones.

This complaint was served, and after correspondence with the company and complainant, the Commission was informed that the Orange County Telephone Company had agreed to sell its Pine Bush exchange to the Walden Telephone Company, and representative of complainants informed the Commission that "As the Walden Telephone Company agrees to develop the surrounding territory in a manner satisfactory to the residents of Pine Bush, we hereby withdraw our complaint, in order to permit the representatives of the two companies to arrange the final details and close the deal". If any local franchise is to be transferred, the approval of this Commission is necessary, and the Orange County Telephone Company has been notified to that effect. There is however no reason for continuing this case, and it is

Ordered: That this case shall be and the same is hereby closed on the records of the Commission.

[Case No. 5830]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of GEORGE N. WILSON, CHARLES W. VALENTINE, and MARK B. STEELE under section 70, Public Service Commissions Law, for consent to the transfer from Wilson to Valentine and Steele of the franchises, works, and system of an electric plant furnishing electricity to the public in the village of Henderson and in the town of Henderson, Jefferson county.

This is an application to the Commission under section 70 of the Public Service Commissions Law made by George N. Wilson, C. W. Valentine, and M. B. Steele, asking for the approval of the transfer by Wilson to Valentine and Steele of certain franchises granted to him by the Village and Town of Henderson, Jefferson county, New York, and the electric lighting system formerly operated by Wilson under and pursuant to the authority granted by said franchises. The transfer for which approval is now requested was made on or about November 4, 1916. Notice of this application was duly published as required by the Commission, and proofs of publication were filed with it on January 17, 1917. A hearing was held on January 22, 1917, at which time Mr. Frederick A. Grant of Watertown, N. Y., appeared for the petitioner, and no one appeared in opposition. It developed on the hearing that the purchasers propose to obtain electricity from the Adams Electric Light Company and to give better service in the village and town of Henderson, and that this would inure to the benefit of the public. After due deliberation, the Commission having determined that the application of the petitioners should be granted, it is

Ordered: That pursuant to the provisions of section 70 of the Public Service Commissions Law the consent of this Commission is hereby given to the transfer by George N. Wilson to C. W. Valentine and M. B. Steele of the system for distributing electricity in the village and town of Henderson, Jefferson county, New York, together with the franchises granted to said Wilson by the Village of Henderson on March 31, 1913; and by the Town of Henderson on April 28, 1913; the construction, maintenance, and operation of said distribution system and the exercise of said franchises having been approved by this Commission by an order made on May 13, 1913, in case No. 3565.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5880]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY's proposed new local and joint, in connection with the Schenectady Railway Company, passenger fares and charges, and regulations and practices affecting such fares and charges.

It appearing that there has been filed with this Commission a passenger tariff, and a passenger tariff supplement, containing schedules stating new local and joint fares and charges, and regulations and practices affecting such fares and charges, to become effective February 16, 1917, designated as follows: "Fonda, Johnstown and Gloversville Railroad Company, in connection with Schenectady Railway Company, joint tariff naming passenger fares, one-way and round-trip, P. S. C., 2 N. Y., No. 334; Fonda, Johnstown and Gloversville Railroad Company, electric division, supplement No. 6 to local and inter-division passenger tariff P. S. C., 2 N. Y., No. 150"; it is

Ordered: That this Commission, upon its own motion and upon the protests filed with it by the Schenectady Council of United Commercial Travelers and by the Mayor of the City of Schenectady, shall, without formal pleading, enter upon a hearing concerning the propriety of the proposed fares and charges and regulations and practices stated in the schedules contained in said tariff and tariff supplement, viz. Fonda, Johnstown and Gloversville Railroad Company, in connection with Schenectady Railway Company, joint tariff naming passenger fares, one-way and round-trip, P. S. C., 2 N. Y., No. 334; and Fonda, Johnstown and Gloversville Railroad Company, electric division, supplement No. 6 to local and interdivision passenger tariff P. S. C., 2 N. Y., No. 150.

It further appearing that said schedules make certain increases in fares or charges for the transportation of passengers, and that the rights and interests of the public may be injuriously affected thereby, and it being the opinion of the Commission that the effective dates of the schedules above specified contained in said tariff and tariff supplement should be postponed pending said hearing and decision thereon, it is further

Ordered: That the operation of the tariff and tariff supplement containing the schedules above specified be and it is hereby suspended, and that the use of the fares, charges, regulations, and practices therein stated be and it is hereby deferred until the 15th day of April, 1917; and it is further

Ordered: That a copy of this order be filed with said tariff and tariff supplement in the office of this Commission, and that copy thereof be forthwith served upon the Fonda, Johnstown and Gloversville Railroad Company and the Schenectady Railway Company, and that said Fonda, Johnstown and Gloversville Railroad Company and Schenectady Railway Company be and are hereby made respondents to this proceeding, and that they be duly notified of the time and place of hearing hereafter to be fixed herein.

It is further Ordered: That upon receipt of this order by the said Fonda, Johnstown and Gloversville Railroad Company, respondent, it shall publish and file with the Commission proper tariff amendments containing notice of this order of suspension, stating that said tariff and tariff supplement are under suspension and that the schedules contained may not be applied or

charged until further notice, or until April 15, 1917. Such tariff amendments shall also refer by proper P. S. C., 2 N. Y., number to the tariffs in which fares and charges, and regulations and practices affecting fares and charges, during the period of suspension may be found. The title pages of said tariff amendments shall show date of issue and bear notation "Issued to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date January 25, 1917, in case No. 5880".

[Case No. 5881]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 25th day of January, 1917.

Present:

SEYMOUR VAN SANTVOCED, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the SCHENECTADY RAILWAY COMPANY'S proposed new passenger fares and charges, and regulations and practices affecting such fares and charges.

It appearing that there has been filed with this Commission a passenger tariff supplement containing schedules stating new individual fares and charges, and regulations and practices affecting such fares and charges, to become effective February 16, 1917, designated as follows: "Schenectady Railway Company local passenger tariff, supplement No. 8 to P. S. C., 2 N. Y., No. 19," it is

Ordered: That this Commission, upon its own motion and upon the protests filed with it by the Schenectady Council of United Commercial Travelers and by the Mayor of the City of Schenectady, shall, without formal pleading, enter upon a hearing concerning the propriety of the new individual fares and charges and regulations and practices stated in the schedules contained in said tariff supplement, viz. Schenectady Railway Company local passenger tariff, supplement No. 8 to P. S. C., 2 N. Y., No. 19.

It further appearing that said schedules make certain increases in fares or charges for transportation of passengers, and that the rights and interests of the public may be injuriously affected thereby, and it being the opinion of the Commission that the effective date of the above specified schedules contained in said tariff supplement should be postponed pending said hearing and decision thereon, it is further

Ordered: That the operation of the tariff supplement containing the schedules above specified be and it is hereby suspended, and that the use of the fares, charges, regulations, and practices therein stated be and it is hereby deferred until the 15th day of April, 1917; and is further

Ordered: That a copy of this order be filed with the said tariff supplement in the office of this Commission, and that copy hereof be forthwith served upon the Schenectady Railway Company, and that said Schenectady Railway Company be and it is hereby made respondent to this proceeding, and that it be duly notified of the time and place of hearing hereafter to be fixed herein; and it is further

Ordered: That upon receipt of this order by the said respondent it shall publish and file with the Commission proper tariff amendment containing notice of this order of suspension, stating that said tariff supplement is under suspension, and that the schedules contained may not be applied or charged until further notice, or until April 15, 1917. Such tariff amendment shall also refer by proper P. S. C., 2 N. Y., number to the tariff in which fares and

charges and regulations and practices affecting the fares and charges during the period of suspension may be found. The title page of such tariff amendment shall show date of issue and bear notation "Issued to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date January 25, 1917, in case No. 5881".

[Case No. 5605]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration of the manner in which county highway No. 1321, in the town of Springwater, Livingston county, crosses the tracks of the Erie Railroad.

In its project for the improvement of county highway No. 1321, in the town of Springwater, Livingston county, the State Commission of Highways has determined to make a change in the location of this highway on each side of the Erie railroad, such changed line intersecting the railroad track at a point distant about 720 feet south of the existing crossing. The present crossing which is at grade is considered very dangerous, particularly on account of the restricted views due largely to the fact that the approaches thereto are located in a cut. It is for the purpose of eliminating this crossing and improving the alignment and grades of the finished highway that the changed highway line by a detour of approximately one and one-half miles is proposed. It is, however, not the intention of the applicant that the cost of re-locating, constructing, and improving this entire detour should be considered as part of the elimination project; it is proposed that only 1293.2 feet in length of the new highway shall be considered as part of and the cost thereof charged to the elimination project, such limited area extending from the existing county road on the west side of the railroad to a point about 66 feet east of the railroad, said points being designated as "Beginning of contract" and "End of contract" on a map hereinafter referred to. On this proposed line the highway intersects the railroad where the latter is supported on embankment at a point where a separation of grades can be readily accomplished by carrying the highway surface beneath the railroad grade, surface drainage of the highway being conducted to an existing creek east of the track. The entire remainder of the proposed highway detour not included in this zone will be constructed by the State Commission of Highways without charge to the elimination project, and, as this Commission is informed, contracts for such construction have already been closed.

Upon this petition this Commission held a hearing on December 20, 1916, at which time due proof of publication of notice of such hearing and of personal service thereof on interested property owners was made. At this hearing the railroad company did not oppose either the application or the plan submitted by the Highway Commission. It did, however, enter an objection so far as charging it with one-half of the cost of paving the proposed new highway within the elimination area is concerned. Accurate data to prove that surface drainage of the highway could be accomplished was not presented at this hearing. Subsequent investigation, however, has shown that such drainage can be

provided by deepening the bed of the aforesaid creek east of the tracks. Upon the evidence submitted the Commission has finally determined that the petition should be granted, and it is therefore hereby

Ordered: 1. That the existing grade crossing of the single track of the Erie railroad by county highway No. 1321, in the town of Springwater, Livingston county, shall be closed and discontinued, and that a new undergrade crossing and a new piece of highway leading thereto on the west side of the track shall be constructed; the alignment of said highway, the grades thereon, and the location of the undergrade crossing to be as shown upon a plan introduced in the evidence at the hearing and marked "Public Service Commission, Second District, Dec. 20, 1916. Applicants Ex. No. One."

Beginning at a point designated as "Station 118+30, beginning of contract." on the west side of the track, as shown on above mentioned plan, a new highway shall be constructed, the center line of which for a distance of 467.5 feet shall be a continuation of the established center line of the new highway northerly thereof; curving thence to the left on a radius of 359.26 feet through an angle of 50 degrees and 13 minutes; thence tangent to the above named curve, to and across the railroad a distance of about 512 feet, to a point designated on said map as "Sta. 130+50, end of contract," connecting with the new alignment of the highway as established by the Highway Commission on the east side of the tracks and intersecting the railroad alignment on an angle of 45 degrees.

The point of beginning of this improvement at station 118+30 is on a continuation of a 3 per cent grade ascending toward the south established for this highway north of said point. This 3 per cent grade shall continue southerly a distance of about 157.5 feet; thence continuing to the south it shall merge by means of a 100-foot vertical curve to a 1 per cent descending grade about 412.5 feet long; thence by a 200-foot vertical curve to a 7 per cent descending grade about 332.2 feet long; thence by a 100-foot vertical curve connecting with an ascending grade of approximately 2.7 per cent established for this highway east of the limit of the elimination area.

The undergrade crossing shall be constructed to a width of 26 feet between abutment faces. The single track railroad bridge shall be of through plate girder construction supporting a solid waterproof floor, and a clear headroom of 13 feet above the roadway crown shall be provided.

The new highway shall be graded to a width of 26 feet between shoulders on embankments, and 29 feet between centers of side ditches in cuts: all in accordance with the standard dimensions adopted for this highway by the State Commission of Highways. Such standards shall also govern the railings which shall be erected at all points where embankments are two feet or more in height, the design of the culverts, and any and all other structures required for the proper support of the highway.

Surface drainage shall be led to a creek located immediately adjacent to the railroad company's easterly right of way line.

At the point of intersection of the proposed new highway with the creek, the bed of the latter shall be excavated to a point not less than four feet below the finished highway grade, and the creek bed beyond this point shall be excavated so as to provide a uniform fall of not less than 0.75 per cent.

The State Department of Highways in improving this road proposes to pave the surface with bituminous macadam, and pavement of this same character shall be laid on that portion of the new highway herein ordered to be built; but only the proportionate cost of paving between the stations hereinbefore specified as limits of the elimination area with waterbound macadam shall be determined in the final accounting as chargeable to the elimination, and any and all excess cost of a bituminous macadam pavement over the cost of such waterbound macadam pavement shall be charged against and paid for by the State Commission of Highways. The pavement shall be laid to a width of 14 feet, and paved gutters to make the finished section conformable to the standard sections of the State Commission of Highways shall be provided in cuts and in the subway, all as shown upon the plan "Exhibit Na. One," heretofore referred to.

2. The existing crossing shall remain open until the completion and approval by this Commission of the work herein ordered, or until closing thereof shall be expressly authorized by this Commission.

[Case No. 5729]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of January, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the TOWN BOARD AND SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF PAVILION, Genesee county, against THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY (lessee New York, Lackawanna and Western Railway), asking that the approaches to and planking at the Telephone Road highway grade crossing be improved and the crossing be made safer; and that a highway bridge over a stream be replaced or the stream restored to its natural course.

The complaint herein was filed with the Commission October 11, 1916; the Commission is asked to require the respondent to repair its railroad crossing of the highway known as the Telephone road, in the town of Pavilion, by reducing the grade of the roadway within its right of way on each side of the crossing, and to plank such crossing in accordance with the provisions of law. The petition also asks that the respondent be required to replace a bridge which carries such highway over a stream of water just west of and parallel to the embankment of the respondent's road. The railroad company filed its answer with the Commission November 1, 1916, wherein it is alleged that the Commission has no jurisdiction of this case, and that such crossing is now maintained in a safe and proper manner. A hearing was duly held herein by the Commission in the city of Batavia on the 29th day of November, 1916, and a personal inspection of said crossing and bridge was also made in the presence of all parties by the sitting Commissioner, which was stipulated by said parties as a part of said hearing; that on said hearing the members of the town board of the Town of Pavilion, together with their attorney, Mr. James L. Kelly of Batavia, appeared, and the respondent was represented by some of its officials and by its attorney, Mr. Ansley W. Sawyer, of the firm of Rogers, Locke and Babcock, of Buffalo. On said hearing certain proofs and proceedings were taken and had whereby it appears that upward of thirty years ago the respondent built its line of railroad through the town of Pavilion, and at the point in question the same was constructed on an embankment about five feet high; that where said railroad embankment crosses the Telephone road there was a small stream of water running through a ditch over which said highway was carried by a small bridge; that such stream was moved away from said crossing, and the same was then taken across said highway just outside of the right of way of the respondent, and a bridge was constructed to carry the highway over the same; that said new channel and the bridge were constructed by the respondent, and the same now exist as they were located at the time the railroad was built; such bridge consists of wooden stringers running across the ditch, supported by stone walls at either side, with planks laid crosswise of such stringers; it is conceded that the new

channel adequately provides for such stream. The greater portion of said bridge is off the right of way of the railroad company, only the easterly abutment thereof being within the lines of said right of way; the said bridge is now out of repair and dangerous, and the highway within the limits of such right of way is narrow and very steep as the same approaches the crossing. At said hearing the respondent agreed to meet any grade and width of the highway which was brought by the town authorities to the railroad property, on both sides of said crossing, and carry the same with like grade and width to the crossing, and also agreed to plank said crossing in the manner and for such width as is provided by the laws of this State relating to standard railroad crossings; this agreement was entirely satisfactory to the complainants. This leaves the bridge as the only matter in controversy. It does not appear that such bridge or its maintenance come within the provisions of section 50 of the Public Service Commissions Law, relating to the power of this Commission to directly order repairs and changes, and the most that this Commission could do in the premises would be to direct counsel to begin an action or commence proceedings in the Supreme Court to compel the respondent's compliance with the provisions of section 21 of the Railroad Law with reference to the maintenance of that part of the highway bridge which is located upon the railroad property; but if this right of action exists then the same remedy may be invoked by the town itself, and there is no reason why the burden of such litigation should be assumed by the Commission. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and this case closed upon the records of the Commission, subject to its being reopened by reason of the failure of the railroad company to repair said highway and crossing as hereinabove provided.

Special Permission Tariffs, January, 1917.

No. 6383; January 2, 1917; The Delaware and Hudson Company:

Ordered: That under its application of January 2, 1917, The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a commodity tariff on Anthracite Coal Dust and Anthracite Coal Screenings, in carloads, marked capacity of cars to govern minimum carload weight, except when cars are loaded full the actual weight only will be charged for (for marked capacity of cars see G. P. Conard's P. S. C., 2 N. Y., R. E. R. No. 53). Such tariff to establish rate of 50 cents per ton of 2240 pounds from Albany, N. Y., to Troy, N. Y., and Mechanicville, N. Y. Said rate not to include connecting lines' switching charge at Albany, N. Y., Troy, N. Y., or Mechanicville, N. Y.

Completed by P. S. C. No. 3331, effective January 4, 1917.

No. 6384; January 3, 1917; New York, Ontario and Western Railway Company:

Ordered: That under its application of January 2, 1917, the New York, Ontario and Western Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a joint commodity freight tariff, such tariff to establish a rate of 8.4 cents per one hundred pounds on Alfalfa Meal, carloads, minimum weight 40,000 pounds, from Munns, N. Y., via Oneida, N. Y., and the New York Central railroad, to Jordan, N. Y.

Completed by P. S. C. No. 3376, effective January 5, 1917.

No. 6385; January 6, 1917; Erie Railroad Company:

Ordered: That under its application of date January 5, 1917, the Erie Railroad Company be and is hereby authorized to publish and file, in the manner

prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice, a joint commodity tariff applying on Ice, in carloads, minimum weight fifty thousand pounds, from Cuba (Cuba Summit), N. Y., over its line via Friendship, N. Y., and the Pittsburg, Shawmut and Northern railroad to Angelica, N. Y., at rate of fifty cents per ton of two thousand pounds. This permission is void unless the schedule issued thereunder is filed with the Commission within thirty days from the date thereof.

Completed by P. S. C. No. 3712, effective January 10, 1917.

No. 6386; January 9, 1917; Bush Terminal Railroad Company:

Ordered: That under its application of date January 8, 1917, the Bush Terminal Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and within thirty days from the date of this order, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 6, such supplement to establish the amended rules 7 and 9 to apply until 7 a. m. May 1, 1917, and thereafter, as specified in exhibit attached to said application and which is hereby made part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to P. S. C. No. 6, effective January 25, 1917.

No. 6387; January 10, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date January 9, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local commodity tariff applying on Cinders, in carloads, minimum weight to be specified, from Silver Springs, N. Y., to Perry, N. Y., at rate of thirty-two cents per ton of two thousand pounds.

Completed by P. S. C. No. 1309, effective January 13, 1917.

No. 6388; January 10, 1917; New York and Pennsylvania Railway Company:

Ordered: That under its application of date January 9, 1917, the New York and Pennsylvania Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days from the date of this order, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 164, said supplement to cancel supplement No. 1 to said tariff, filed to take effect January 20, 1917; also to cancel rules 7 and 9, as shown in original tariff, and to establish in place thereof the rules 7 and 9 which were recently authorized by the Interstate Commerce Commission to apply on interstate shipments until 7 a. m. May 1, 1917, to apply on intrastate shipments until such time and date, and to reestablish rules 7 and 9, as now shown in original tariff, to apply on and after 7 a. m. May 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 2 to P. S. C. No. 164, effective January 19, 1917.

No. 6389; January 13, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date January 12, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a tariff or supplement to a tariff and therein establish rate of fifty-three cents per cord on Pulp Wood, in carloads, minimum twelve cords, from Poland, N. Y., to Hinckley, N. Y.

Completed by supplement No. 6 to P. S. C. N. Y. C. No. 2611, effective January 20, 1917.

No. 6390; January 13, 1917; The Ulster and Delaware Railroad Company:

Ordered: That under its application of date January 13, 1917, The Ulster and Delaware Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local commodity tariff applying on Ice, in carloads, minimum weight as per Official Classification, from Halcottville, N. Y., to Kingston, N. Y., and Rondout Station, N. Y., at rate of seventy-five cents per ton of two thousand pounds.

Completed by P. S. C. No. 149, effective January 19, 1917.

No. 6391; January 15, 1917; E. Morris:

Ordered: That following the action of the Interstate Commerce Commission in its I. & S. Docket No. 990, order dated January 10, 1917, and under application dated January 15, 1917, made by E. Morris, representing carriers operating in Central Freight Association Territory, the carriers hereinafter referred to be and they are hereby authorized to publish and file, in the manner prescribed in the Public Service Commissions Law and the regulations of the Commission established thereunder, and under date of issue January 15, 1917, freight tariff supplements for the purpose of postponing until May 15, 1917, the effective dates of freight rate schedules operating to effect increased rates on dextrine and starch, filed to take effect January 15, 1917, designated as follows: Erie Railroad Company tariffs P. S. C., 2 N. Y., Nos. A-620, 621, 622; tariff supplements, viz. No. 10 to P. S. C., 2 N. Y., No. A-507; No. 4 to P. S. C., 2 N. Y., No. A-594; No. 3 to P. S. C., 2 N. Y., No. A-608; The New York, Chicago and St. Louis Railroad Company tariff supplements, viz. No. 3 to P. S. C., 2 N. Y., No. 563; No. 7 to P. S. C., 2 N. Y., No. 561; E. Morris, Agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) tariff supplement No. 2 to his P. S. C., 2 N. Y., No. 29.

In cases where any of the tariff publications, the effective date of which is herein authorized to be postponed, have been canceled by a superseding tariff or supplement to a tariff, this order also authorizes proper amendment to such superseding tariff publication.

This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to tariffs.

No. 6392; January 17, 1917; Erie Railroad Company:

Ordered: That under its application of date January 16, 1917, the Erie Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice

and within thirty days from the date of this order, a local commodity tariff applying on Logs and Wooden Bolts, in carloads, minimum weight fifty thousand pounds, to Belvidere, N. Y., from New York state stations and at rates in cents per ton of two thousand pounds as follows: Belmont and Friendship 43; Scio 48; Cuba 53.

Completed by P. S. C. No. 3719, effective January 20, 1917.

No. 6393; January 17, 1917; R. N. Collyer, Agent:

Ordered: 1. That under his application of date January 16, 1917, and following action of the Interstate Commerce Commission by its second and fourth supplemental orders in its I. & S. Docket No. 956, R. N. Collyer, agent for carriers duly authorized to publish and file Official Classification, be and is hereby authorized to publish and file, on not less than one day's notice, a supplement to his classification filed with this Commission as his P. S. C., 2 N. Y., O. C. No. 44, said supplement to provide for the postponement from February 1, 1917, until June 1, 1917, of the effective date of the uniform live stock contract, as published on pages 46 and 49; also the live stock regulations published in items 1, 2, and 4, page 221, of said classification.

2. To provide that during the period of postponement, uniform live stock contract as published on pages 3 and 4 of supplement No. 14 to classification published and filed with this Commission as his P. S. C., 2 N. Y., O. C. No. 42, will be used for live stock shipments in both less carloads and carloads, and to establish the regulations specified in said application, which is hereby made part of this order, to apply in connection with such shipments.

This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to P. S. C. O. C. No. 44, filed January 26, 1917.

No. 6394; January 20, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date January 19, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) for itself and its leased line, the West Shore Railroad, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements to freight tariffs P. S. C., 2 N. Y., N. Y. C. No. 2648, and P. S. C., 2 N. Y., W. S. No. 707; further postponing, as to New York state traffic, the effective dates of items Nos. 250 and 251, as shown on page five of supplement No. 6 to said tariff P. S. C., 2 N. Y., N. Y. C. No. 2648; and items Nos. 246 and 247, as shown on pages five and six of supplement No. 6 to said tariff P. S. C., 2 N. Y., W. S. No. 707, in so far as the regulations and practices contained in said items seek to restrict the New York state transportation of china wood oil and soya bean oil to refrigerator cars, and to condition the acceptance for transportation of said oils upon the presentation of a sworn weigher's certificate, or seek to increase the present rates or charges for the transportation of said oils, from January 29, 1917, until July 29, 1917, unless otherwise ordered by the Commission.

Completed by supplement No. 11 to P. S. C. N. Y. C. No. 2648, and supplement No. 11 to P. S. C. W. S. No. 707; filed January 25, 1917.

No. 6395; January 23, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date January 22, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed

by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local commodity tariff applying on Agricultural Implements and Parts Thereof, in carloads, as per list and carload minimum weights shown under caption of Agricultural Implements and Parts Thereof in Official Classification, P. S. C., 2 N. Y., O. C. No. 43, supplements thereto and reissues thereof, from Poughkeepsie, N. Y., to Croton-on-Hudson, N. Y., at rate of five and three-tenths cents per hundred pounds.

Completed by P. S. C. N. Y. C. No. 3091, effective January 27, 1917.

No. 6396; January 23, 1917; International Railway Company:

Ordered: That under its application of date January 23, 1917, the International Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days from the date of this order, a joint freight tariff of class and commodity rates to apply on less than carload shipments from points on the International railway in connection with the Buffalo, Lockport and Rochester Railway; Empire United Railways, Inc.; Syracuse, Lake Shore and Northern Railroad; and Rochester, Syracuse and Eastern Railroad Companies to points on the Rochester, Syracuse and Eastern railroad; Syracuse Lake Shore and Northern Railroad; and Empire United Railways, Inc., establishing the rates and rules and regulations in relation thereto as set forth in exhibit attached to and a part of said application and hereby made part of this order.

Completed by P. S. C. No. 67, effective February 23, 1917.

No. 6397; January 23, 1917; Carl Howe, Agent:

Ordered: That under his application of date January 23, 1917, Carl Howe, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) duly authorized to publish and file tariff of New York Central Fast Freight Lines Rate Bases and Billing Instructions, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective not later than February 28, 1917, a revision of page seventy of his tariff P. S. C., 2 N. Y., No. 2, said revised page to cancel Rules 14 and 14 (a) and explanation of reference mark "figure 2 in circle," as shown on sixth revised page seventy of said tariff, the taking of effect of which is now under postponement until February 28, 1917.

Completed by supplement No. 11 to P. S. C. No. 2, filed February 24, 1917.

No. 6398; January 25, 1917; E. Morris:

Ordered: That under application of date January 25, 1917, made by E. Morris, representing carriers operating in Central Freight Association Territory and within the jurisdiction of this Commission the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof), The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west), and The New York, Chicago and St. Louis Railroad Company, or their duly authorized agents, be and are hereby authorized to publish and file, in the manner prescribed in the Public Service Commissions Law and the regulations of the Commission established thereunder, supplements to their various tariffs of Exceptions to Official Classification and tariffs applying on Grain, Grain Products and Byproducts, said supplements cancel February 10, 1917, those portions of supplements to such tariffs filed with the Commission to become effective on February 15 and 20, 1917, and which made various changes in minimum weights on Grain and in the list of articles subject to Grain Products and Byproducts rates, together with minimum weights applying on certain of the articles in Grain Products and Byproducts lists.

Completed by proper supplements to tariffs; filed February 3, 1917.

No. 6399; January 24, 1917; Central New England Railway Company:

Ordered: That under its application of date January 23, 1917, the Central New England Railway Company be and is hereby authorized to publish and

file. in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than two days' notice and within thirty days from the date of this order, a joint commodity tariff in connection with The New York Central Railroad Company via Beacon, N. Y., said tariff to establish rate on Cord Wood, of all kinds except hickory, hard (upland) maple, and oak, in carloads, minimum when loaded in cars under 36 feet in length 13 cords, and in cars 36 feet and over in length 15 cords, of one dollar and ten cents per cord of 128 cubic feet; and rate on Cord Wood, hickory, hard (upland) maple, and oak, in carloads, minimum when loaded in cars under 36 feet in length 10 cords, and in cars 36 feet and over in length 12 cords, of one dollar and thirty-five cents per cord of 128 cubic feet; also to provide that the rates referred to above on hickory, hard (upland) maple, and oak will also apply on shipments of mixed cord wood when more than twenty-five per cent consists of said hard woods.

Completed by P. S. C. No. 601, effective February 6, 1917.

No. 6400; January 23 and 27, 1917; R. N. Collyer, Agent:

Ordered: That under his applications of date January 22 and 26, 1917, R. N. Collyer, agent for carriers duly authorized to publish and file Official Classification, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not earlier than February 1, 1917, supplements to his Classifications P. S. C., 2 N. Y., O. C. Nos. 43 and 44, said supplement to P. S. C., 2 N. Y., O. C. No. 43, to provide for its cancellation February 1, 1917, for all carriers named therein except the Chautauqua Traction Company; Jamestown, Westfield and Northwestern Railroad Company; and the Lake Champlain and Moriah Railway Company; said supplement to P. S. C., 2 N. Y., O. C. No. 44, to amend cancellation notice on title page and to correct the errors in certain items as specified in said applications, which are hereby made a part of this order.

This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 15-A to P. S. C., O. C. No. 43, and supplement No. 2 to P. S. C. O. C. No. 44; effective February 1, 1917.

No. 6401; January 27, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of January 25, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2855, and therein establish rate of forty-two cents per two thousand pounds on Sand and Gravel, carloads, minimum weight sixty thousand pounds, to apply from Watertown, N. Y., to Carthage, N. Y.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 2855, effective February 5, 1917.

No. 6402; January 29, 1917; Dansville and Mt. Morris Railroad Company (A. S. Murray, jr., Receiver):

Ordered: That under its application of date January 27, 1917, the Dansville and Mt. Morris Railroad Company (A. S. Murray, jr., Receiver) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days

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from the date of this order, a local commodity tariff applying on Pig Iron, Sanded, in carloads, from Mount Morris, N. Y., to Dansville, N. Y., at rate of forty-two cents per ton of twenty-two hundred and forty pounds.

Completed by P. C. S. No. 101, effective February 5, 1917.

No. 6403; January 31, 1917; R. N. Collyer, Agent:

Ordered: That under his application of date January 30, 1917, and following action of the Interstate Commerce Commission by its order in its I. & S. Docket No. 1012, R. N. Collyer, agent for carriers duly authorized to publish and file Official Classification, be and is hereby authorized to publish and file a supplement to his classification filed with this Commission as his P. S. C., 2 N. Y., O. C. No. 44, said supplement to provide for the postponement from February 1, 1917, until June 1, 1917, of the effective date of the following items: Page 79, items 14 to 19 inclusive, Bearings; page 133, item 30, Dry Kiln Cars or Trucks, iron or steel, with racks or standards detached or without racks or standards, loose or in packages; page 324, items 25 to 31 inclusive, and page 325, items 1 to 8 inclusive, Blocks, Slabs, or Pieces of Natural Stone; page 377, item 1, Woolen Clippings, Tailors' (Clippings from woolen cloth). This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 3 to P. S. C. O. C. No. 44, filed February 2, 1917.

No. 6404; January 31, 1917; The Delaware and Hudson Company:

Ordered: That under its application of date January 31, 1917, The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a supplement to its tariff P. S. C., 2 N. Y., No. 3301, said supplement to establish rate of two dollars and twenty cents per ton of two thousand pounds on Iron Ore Tailings, carloads, minimum weight forty thousand pounds, from Lyon Mountain, N. Y., over its line via Schenectady, N. Y., and the New York Central railroad to Lockport, N. Y.

Completed by supplement No. 7 to P. S. C. No. 3301, effective February 5, 1917.

No. 6405; January 31, 1917; Receiver of the Buffalo Southern Railway Company:

Ordered: That under his application of date January 30, 1917, N. A. Bundy, Receiver, Buffalo Southern Railway Company, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date not later than February 15, 1917, a local passenger tariff, said tariff to cancel tariff P. S. C., 2 N. Y., No. 2, and supplement No. 1 thereto, reissuing the matter contained without change other than to provide that forty-six trip school tickets will be good "for thirty days from date of issue" instead of "for the calendar month only"; also to provide for the sale of these tickets between additional points within the several zones at the same rates as such tickets are now sold between other points in such zones.

Completed by P. S. C. No. 3, effective February 15, 1917.

No. 6406; January 31, 1917; The New York, New Haven and Hartford Railroad Company:

Ordered: That following the action of the Interstate Commerce Commission in its order in Investigation and Suspension Docket No. 1010, and under its

application, The New York, New Haven and Hartford Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue February 1, 1917, a supplement to its tariff of charges for Lighterage, Terminal, and Miscellaneous Services at Brooklyn, N. Y., New York, N. Y., and vicinity, P. S. C., 2 N. Y., No. F-130, said supplement to postpone until June 1, 1917, the taking of effect of the change made in storage charges and regulations on export freight, as shown in supplement No. 17 to said tariff, filed to take effect February 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 18 to P. S. C. No. F-130, filed February 1, 1917.

No. El.-27; January 18, 1917; Municipal Gas Company of the City of Albany:

Ordered: That under its application of date January 17, 1917, the Municipal Gas Company of the City of Albany be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than ten days' notice and under an effective date of February 1, 1917, amendments to its general schedule for electricity P. S. C., 2 N. Y., No. 1, establishing the rates and regulations outlined in said application. Such amendments shall bear the following notation: "Issued under special permission of the Public Service Commission, Second District, State of New York, No. El.-27, of January 18, 1917.

Completed by schedules effective February 1, 1917.

No. T.&T. 117; January 24, 1917; Allegany County Telephone Company:

Ordered: That under its application of January 20, 1917, the Allegany County Telephone Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date of February 1, 1917, amendments to its local general tariff P. S. C., N. Y., No. 1, establishing the short term rates and regulations set forth in said application which is hereby made a part of this order.

Completed by schedules effective February 1, 1917.

No. T.&T. 118; January 25, 1917; New York Telephone Company:

Ordered: That under its application of January 24, 1917, the New York Telephone Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date of February 1, 1917, amendments to its local general tariff P. S. C., N. Y., No. 1, establishing the short term rates and regulations set forth in said application which is hereby made a part of this order.

Completed by schedules effective February 1, 1917.

No. T.&T. 119; January 26, 1917; Wayne Telephone Company:

Ordered: That under its application of January 26, 1917, the Wayne Telephone Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date of February 1, 1917, an amendment to its local general tariff P. S. C., N. Y., No. 1, establishing the short term rates and regulations set forth in said application which is hereby made a part of this order.

Completed by schedule effective February 1, 1917.

No. T.&T. 120; January 27, 1917; Cattaraugus Union Telephone Company:

Ordered: That under its application of January 25, 1917, the Cattaraugus Union Telephone Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date of February 10, 1917, amendments to its local general tariff P. S. C., N. Y., No. 2, establishing the short term rates and regulations set forth in said application which is hereby made a part of this order.

Completed by schedules effective February 10, 1917.

[Case No. 1642]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 1st day
of February, 1917.*Present:*SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.In the matter of the Complaint of MARTIN J. KEOGH
of New Rochelle against THE NEW YORK, NEW
HAVEN AND HARTFORD RAILROAD COMPANY as to the
passenger station of said company at New Rochelle
for eastbound trains.February 15, 1911, after several hearings, the Commission made an order
in this case requiring certain changes in the station facilities at New
Rochelle in accordance with plans theretofore filed with the Commission.
The order contained a provision that after May 1, 1912, the complainant,
the mayor and common council, the residents of New Rochelle, or the
respondent company might make application for further action. The respon-
dent company now desires to make certain changes in its station facilities
at New Rochelle involving a departure from the plans approved and
directed to be carried out in the order referred to. It is therefore*Ordered:* That the case be and the same hereby is opened; that notice
be given to the parties appearing on the former hearings; and that the letter
of Charles M. Sheafe, jr., counsel of the respondent company, dated Janu-
ary 29, 1917, with accompanying blue-print, be treated as an application
for a modification of the previous order.

[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 1st day
of February, 1917.*Present:*SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.In the matter of the Petitions of THE NEW YORK,
LACKAWANNA AND WESTERN RAILWAY COMPANY;
THE DELAWARE, LACKAWANNA AND WESTERN RAIL-
ROAD COMPANY; the TOWN BOARD AND BOARD OF
HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEK-
TOWAGA, Erie county; and the PRESIDENT AND
TRUSTEES OF THE VILLAGE OF SLOAN, Erie county;
for the elimination of the Harlem Avenue grade
crossing of the New York, Lackawanna and West-
ern railway, the Lehigh Valley railroad, the Erie
railroad, and the Lehigh and Lake Erie railroad in
the town of Cheektowaga and village of Sloan; and
the Kennedy Road grade crossing of the New York,
Lackawanna and Western railway, the Erie rail-
road, and the Lehigh Valley railroad in the town of
Cheektowaga, Erie county.Upon the recommendation of The Delaware, Lackawanna and Western
Railroad Company as indicated by the signature of its chief engineer upon

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detail plans showing the abutments and superstructure covering the construction of an undergrade crossing at Lovejoy street, referred to in the Commission's determination in the matter above entitled; and upon the approval of the local authorities as similarly indicated by the approval signature on said plans of the engineer for the Town of Cheektowaga and Village of Sloan, it is

Ordered: That said detail plans be and are hereby approved.

[Case No. 5819]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint under section 27, Public Service Commissions Law, of BENFORD MANUFACTURING COMPANY against THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, asking for a sidetrack and switch connection for complainant's plant in the city of Mount Vernon located about 150 to 200 feet from the New York City line.

On September 20, 1916, the Benford Manufacturing Company, a corporation operating a plant for the manufacture of automobile accessories, etc., in the city of Mount Vernon, filed a complaint with this Commission alleging that The New York, New Haven and Hartford Railroad Company refused to respond to its request for the construction of a sidetrack to serve its plant. Upon investigation, the Commission ascertained that apparently the railroad company had failed to make known its decision that it could not comply with the aforesaid request. This refusal to comply is set forth in a letter to the Commission from the general manager of the railroad company dated October 9, 1916. Thereupon hearings were held on December 16, 1916, and January 19, 1917, at which representatives for the complainant and respondent appeared. The evidence taken at the hearings indicates clearly to the Commission that the complainant has a substantial and growing business which will warrant the operation of sidetrack facilities such as it desires. It was admitted that the construction of the siding as laid down on a plan submitted in evidence is practicable and feasible from an engineering point of view. The sidetrack as shown on the above mentioned plan will occupy a part of a street or highway in the city of Mount Vernon known as Pearl street, but permission to construct it in said street or highway has been granted to the railroad company by the mayor and common council of the City of Mount Vernon. The railroad company contends that the fact that the turnout for this switch track must be in one of its main eastbound running tracks will make it difficult of operation and will seriously interfere with the passenger traffic now being run on this portion of the railroad; however, from its investigation the Commission is convinced that the company can arrange for the switching of the cars to and from the proposed sidetrack at times when the passenger traffic is least dense, and that such switching if properly done need not interfere with this traffic. Now therefore

Ordered: That within fourteen days of the date of this order the respondent, The New York, New Haven and Hartford Railroad Company, shall sub-

mit to the complainant, the Benford Manufacturing Company, for its signature an agreement providing for the construction and maintenance of a sidetrack substantially as shown on the plan filed in this proceeding and marked Respondent's Exhibit No. 1 of January 19, 1917; that when this agreement shall have been signed by both parties the respondent shall proceed forthwith to construct the sidetrack therein named.

2. That in the event the parties hereto are unable to agree as to the manner in which the cost of constructing and maintaining the aforesaid sidetrack shall be divided between them, then either party may apply to this Commission for a determination of the questions at issue.

3. That this case be and the same hereby is closed upon the records of the Commission, but may be reopened if necessary in the manner hereinbefore provided.

[Case No. 5705]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of FREEPORT RAILROAD COMPANY under section 86, Railroad Law, for permission to cease the operation of its railroad from November 1, 1916, to May 1, 1917.

For the reasons mentioned in the accompanying memorandum it is hereby

Ordered: That the petition in the above entitled proceeding be and the same hereby is dismissed, and that the case be closed upon the records of the Commission, with leave to the petitioners to move to reopen same at the expiration of six months from the date hereof if circumstances shall then seem to warrant such reopening.

[Case No. 5809]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of recommendation made to THE NEW YORK CENTRAL RAILROAD COMPANY that a visual highway signal be erected at a crossing at grade of a highway and the West Shore railroad (lessor, and over which New York State Railways electric cars operate) a short distance west of the village of Vernon, Oneida county, the crossing being known as Morrison's crossing.

An investigation made by the steam railroad division resulted in a recommendation by that division that The New York Central Railroad Company

should install an audible visible signal at a highway crossing known as Morrison's crossing, a short distance west of Vernon. The recommendation was approved by the Commission and communicated to the railroad company which refused to act upon it, deeming the crossing already sufficiently protected. Thereupon a public hearing was held and evidence submitted on the part of the Commission and of the railroad company. The highway concerned is the main state highway between Syracuse and Utica. The railroad is the double track line of the West Shore, operated by The New York Central Railroad Company. No steam passenger trains pass over this part of the railroad except rarely when the main tracks of the New York Central are blocked, and then the New York Central trains are detoured over this route. There are a few freight trains each way. In addition to this light steam railroad traffic, the electric trains of the New York State Railways use the tracks. They are operated by means of a third rail and their speed is high. The timetables on file with the Commission show that in the Summer, except on Saturdays and Sundays, there are thirty-eight local trains and fifteen limited trains each day. In the Winter, there are twenty-four local trains and seven limited trains. The highway and railroad are almost parallel, the highway making a sharp reverse curve at the point of crossing. The view in both directions is open, but because the highway is parallel with the railroad and close thereto it is impossible, traversing the highway in either direction, to see whether a train is coming without looking directly backwards. There is nothing else in the physical situation indicating any unusual danger. This one feature, however, combined with the great density of highway traffic, largely by automobile, demands, in the opinion of the Commission, better protection than the crossing-sign and bell now in use. The railroad company objects to installing a visual signal as a matter of policy. The testimony of its signal engineer was that no mechanical device is altogether trustworthy, and that a signal giving advance information that a train is crossing leads to carelessness on the part of those using the highway. This argument carried to its conclusion would make against any crossing protection. The bell can not be heard by drivers of automobiles, and the signal engineer thinks that if it has any virtue it is because it can not be heard unless the driver stops and listens. It is not desired unnecessarily to force upon the respondent action contrary to its well defined and presumably carefully studied policy, but the Commission is convinced that the crossing should be protected by a mechanical visual signal or by other means at least as effective. It is therefore

Ordered: 1. That the respondent, at its election, shall install on or before March 15th, and thereafter maintain, at Morrison's crossing of the West Shore tracks, west of Vernon, a suitable mechanical visual signal, or shall place and maintain at said crossing a flagman to give warning of approaching trains.

2. That the respondent notify the Commission within ten days after the service of this order as to its acceptance thereof.

[Case No. 5852]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of EUGENE G. CARR and other residents of the town of Eastchester, Westchester county, abutting or adjacent the White Plains road, against THE WESTCHESTER STREET RAILROAD COMPANY and THE WESTCHESTER ELECTRIC RAILROAD COMPANY as to failure of The Westchester Street Railroad Company to operate through cars between White Plains and Mount Vernon.

In the above matter the companies answered that the service which had been suspended has been resumed, and representative of complainants (letter of January 31, 1917) informed the Commission to the same effect; therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 5862]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of F. M. LANDERS AND OTHERS against THE DELAWARE AND HUDSON COMPANY as to freight rates on hay and straw from stations on the Susquehanna division.

This complaint was served, but before answer attorney complainants, under date of February 3, 1917, notified the Commission as follows: "At a conference in Albany on February 2, 1917, between F. M. Landers et al. against the D. & H. Company, re freight rates on hay and straw from stations on the Susquehanna division, a satisfactory adjustment of rates was agreed upon to all concerned with the exception of R. H. Schrade of Duanesburgh. And at the request of F. M. Landers, Babcock & Webster, and H. J. G. Fox of Delanson, N. Y., and Wm. Coyler of Central Bridge, N. Y., I request that the complaint be withdrawn and all further proceedings in the case be stayed." Under these circumstances it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied, except so far as R. H. Schrade of Duanesburgh is concerned, who may file a separate complaint.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 of the Railroad Law, as to crossings of streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 91 of the Railroad Law for modification of an order of this Commission of September 12, 1907, the modification asked for being that an overhead bridge crossing of the New York and Harlem railroad, lessor, be constructed at Broad street, Mount Vernon, instead of at Fleetwood avenue.

Upon the recommendation of The New York Central Railroad Company as indicated by a letter from its engineering assistant to the vice-president, and upon a similar recommendation from the Bronx Parkway Commission for the approval of specifications covering the construction of the viaduct over the New York and Harlem railroad at Broad street, in the cities of Mount Vernon and Yonkers, it is

Ordered: That said specifications so far as they relate to materials and workmanship be and are hereby approved by this Commission; that this approval, however, specifically excepts the proposed contract between the City of Mount Vernon, the City of Yonkers, the Bronx Parkway Commission, and the contractor, relating to this construction, such proposed contract being incorporated with and made a part of said specifications.

[Case No. 4265]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

THE SCOTTSVILLE SAND & GRAVEL COMPANY *against* THE PENNSYLVANIA RAILROAD COMPANY and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY: Freight rates on carload shipments of sand, gravel, and crushed stone.

On November 2, 1916, the petitioners made application to the Commission for a modification of its order of June 23, 1914, in this case, with

respect to three of the points of destination which were named in said order. An examination of the order shows that there were thirteen points of destination covered by it. At the hearing held before the Commission in case No. 5607 on August 4, 1916, some evidence was introduced on behalf of these petitioners relative to some of the rates fixed by the 1914 order, and they assumed that it was the intention of the Commission to reopen this case because of the proceedings which were had in case No. 5607. It is the view of the Commission that the proceedings in case No. 5607 did not operate to reopen case No. 4265, and it was not intended to reopen it, because the complaint which was covered by case No. 5607 was treated as being separate and distinct from case No. 4265. The Commission is of the opinion that it would not be proper to reopen this present case for the purpose of attacking the rates to three points of destination only, and that all of the points in question would have to be dealt with if the case were reopened. Inasmuch as the Commission is advised that the petitioners do not ask for a general reopening of the case, and it is of the opinion that the matter can not properly be dealt with unless that is done, it is

Ordered: That the application for a modification of the order of the Commission of June 23, 1914, as to the rates from Scottsville to Brighton, East Rochester, and Fairport, be and the same hereby is denied.

[Case No. 4416]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of PAUL SMITH'S ELECTRIC LIGHT AND POWER AND RAILROAD COMPANY for permission to construct and exercise franchises for electric light, heat, and power lines in the town of Jay, Essex county (Ausable Forks); and under section 70 for approval of transfer to it from J. & J. Rogers Company of franchises, works, and system of an electric plant; and petition of the J. & J. Rogers Company for consent to the transfer, which has been made.

The Paul Smith's Electric Light and Power and Railroad Company and the J. & J. Rogers Company applied to the Commission to reopen this case and for a rehearing. The case was disposed of by order made January 19, 1915. In the opinion of the Commission, the petitions for reopening, and the statements and evidence on the hearing thereon, are insufficient to justify the reopening thereof. It is therefore

Ordered: That the said petitions be and the same hereby are denied.

70 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5700]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK LEVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWN OF HANNIBAL, Oswego county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking that an agent be employed at the Metcalf station on the Ontario and St. Lawrence division in said town; and as to the station building.

Metcalf is a non-agency station west of Oswego on the Ontario division of the New York Central railroad. There are agency stations at Furniss, 2.89 miles east; and at Hannibal, 2.69 miles west. The highway distance from Metcalf to Furniss and to Hannibal is about four miles. Residents near the Metcalf station ask that it be made an agency station. A hearing was held in Oswego where evidence was taken, and the sitting Commissioner inspected the localities concerned. There are, counting all persons, about four hundred people residing in the region more conveniently served by Metcalf than by the other stations. It is an agricultural neighborhood, and there is no community except a very small hamlet called North Hannibal, about one-quarter of a mile from the station. There are three passenger trains each way*week days: one stops on signal and the others stop regularly. During the year ended September 30, 1916, a total of 3132 passengers boarded and alighted at Metcalf, an average of 8.6 per day. There is no evidence as to the revenue from passengers, but presumably the average distance each passenger was carried was not great. The evidence is also unsatisfactory as to freight revenues. No l. c. l. freight is carried. The only evidence as to the probable amount of such freight is that from January to October, 1916, there was l. c. l. freight handled at Furniss and Hannibal on behalf of the ninety-two petitioners in this case, yielding a revenue of \$160. As to the carload freight, there is positive evidence from the railroad company that from October 1, 1915, to October 1, 1916, excluding milk, three cars were shipped and twenty received. There is evidence by the complainants that there are shipments of fruit of from ten to seventy cars a year, and receipts of four to ten cars of coal, two cars of fertilizer, and five of lime. There is a station of the Brighton Place Dairy Company adjoining the railroad station. This ships about one carload of milk a day, yielding a revenue from January to September, 1916, of \$1476.25. In addition, it ships during certain seasons casein and other dairy products as to which we have not specific figures. The milk is loaded in baggage or refrigerator cars and taken on passenger trains. Milk transportation tickets are purchased at Hannibal and one is attached to each can when the car is loaded. No special inconvenience appears from this method of handling the milk. While the evidence as to traffic attributable to the station is thus fragmentary and vague, it would seem that the revenue must be very much less than \$10,000 a year. It might be that, with an agency station, fruit growing and market gardening would be developed to such an extent that the revenue would be considerably increased, but this is purely conjectural. There is at present a shelter station 10 x 10 feet, with a bow window extending this width on one side. It has a stove, and is lighted by kerosene. A man in the neighborhood is supposed to act as caretaker, but the shelter is left unlocked at night; and at the time of the inspection an excess of coal had been delivered so that not only was the coal bin filled but there was a large heap of coal within the station. This and lack of care in other

respects rendered the station unclean, and boys or tramps had used its walls for literary and pictorial efforts which need not be described. The evidence is entirely insufficient to warrant the Commission in directing the establishment of an agency station, but there should be a radical change in the care of the present station. It is therefore

Ordered: 1. That the respondent shall maintain its station building at Metcalf in a clean and comfortable condition, heating it when the weather so demands for the comfort of the passengers, and lighting it when seasonal conditions so require; and that, for that purpose, it provide a competent caretaker who shall, in addition to other things, see that the station is locked at night after the departure of the last evening train and opened at a reasonable hour in the morning.

2. That the request for the establishment of an agency station be and hereby is denied, with leave however to renew the complaint should business at the station substantially increase or if the present station should not be maintained in a sanitary and comfortable condition.

3. That the respondent notify the Commission within ten days of the service of this order as to its acceptance thereof.

[Case No. 5811]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54, Railroad Law, for consent to the discontinuance of its Himrods Junction freight station, in Yates county.

A petition under section 54, Railroad Law (as amended by chapter 564, laws of 1915), having been filed with this Commission by The New York Central Railroad Company for consent to the discontinuance of petitioner's less than carload freight station at Himrods Junction, Yates county; and a public hearing on said petition, after due notice, having been held in the city of Albany on February 7, 1917, Visscher, Whalen & Austin appearing for the petitioner and no one else appearing; and it appearing from the papers and evidence at the hearing that the station is a small building located in the center of a group of railroad tracks used for switching purposes, and is not accessible by vehicle and only by pedestrians crossing such tracks; that it is not used for passengers; that the said freight business for other than employees of the petitioner is negligible, and not heavy for employees, and that it is proposed to handle it at Himrods station, less than one-half mile away, where carload business is now handled; and it not appearing that the public is interested in the maintenance of this station; it is

Ordered: That this Commission, under section 54, Railroad Law (as amended by chapter 564, laws of 1915), hereby consents that The New York Central Railroad Company may discontinue its less than carload freight station at Himrods Junction, Yates county.

[Cases Nos. 5815, 5816]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Complaint of PATRONS OF THE WADING RIVER BRANCH against THE LONG ISLAND RAILROAD COMPANY, asking that the passenger train formerly leaving New York at 5:12 (or 5:18) p. m. and Brooklyn at 5:16 p. m. (consolidated) be restored.

In the matter of the Complaint of PATRONS OF THE WADING RIVER BRANCH against THE LONG ISLAND RAILROAD COMPANY, asking that the passenger train leaving New York at 4:29 p. m. and Brooklyn at 4:31 p. m. (consolidated) make its first stop at Syosset.

The two above entitled proceedings, which were instituted by patrons of the Wading River branch of The Long Island Railroad Company in respect to train service on said branch, having been consolidated and treated by the Commission and by the several parties as one proceeding; and the matter having come on for a hearing before the Commission on the 22nd day of January, 1917, at which time representatives of the several groups of complainants and of The Long Island Railroad Company appeared and discussed between themselves and with the Commission the questions which are involved in these proceedings as to train schedules on the Wading River branch of the Long Island railroad; and the respondent having agreed that on the schedule which will become effective on May 20, 1917, train No. 648, leaving New York at 4:33 p. m., will be run, stopping at Huntington, Northport, Smithtown, and stations beyond; and that a corresponding morning train will be run in the opposite direction; that on the schedule becoming effective May 20, 1917, train No. 652, leaving New York at 5:13 p. m., and train No. 654, leaving New York at 5:48 p. m., will also be run; that between May 1 and May 20 a second section of train No. 648 will be run on Fridays, May 4, 11, and 18; that the four above mentioned trains will continue to be operated under the schedule which will become effective on June 27, 1917; that on the schedule which will become effective on November 5, 1917, trains Nos. 648 and 652 will continue to be operated; that throughout the month of November a second section of train No. 648 will be run on Fridays, in the same manner as on the spring schedule prior to May 20; and the several groups of complainants having finally expressed themselves as disposed under the circumstances to accept this arrangement as reasonably satisfactory; the Commission coinciding in this view and believing that a full and fair trial should be given to the proposed new train schedule as thus finally formulated; it is hereby

Ordered: 1. That the respondent shall, in preparing and putting into effect its train schedules for the year 1917, adhere to and make provision for the train service which is above particularized on its Wading River branch, in addition to the other train service on the said branch as to which no controversy has arisen in the present proceeding, and shall operate the said trains in the manner agreed to.

2. That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 8627]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of WALLKILL VALLEY ELECTRIC LIGHT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct in the towns of Montgomery and Crawford, Orange county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under franchises to use a highway therefor received from said towns.

On December 12, 1916, the Wallkill Valley Electric Light and Power Company filed its petition with the Commission asking for its permission and approval to the exercise of franchises in the towns of Montgomery and Crawford, Orange county, New York. Proofs of publication of notice of the application were filed with the Commission on January 5 and January 14, 1917. A hearing was held at the office of the Commission in the city of Albany on January 31, 1917, at which time Mr. A. J. Fowler appeared on behalf of the petitioner; Mr. L. H. Scherck appeared on behalf of the Central Hudson Gas and Electric Company; and Mr. Robert T. Hume appeared as supervisor of the Town of Montgomery. The Central Hudson Gas and Electric Company is not opposed to the exercise of the franchise granted by the Town of Montgomery, but asks that the permission given by this Commission be limited as provided in the franchise because the Central Hudson Gas and Electric Company now operates in a large portion of that town under a franchise granted in July, 1910. It appearing to the Commission that the exercise of the franchise granted by the town board of the Town of Montgomery to the petitioner on May 25, 1916, will not interfere with the present operations of the Central Hudson Gas and Electric Company; and after due deliberation, it having determined that public convenience and necessity require the construction, maintenance, and operation of an electric plant and the exercise of the aforesaid franchises by the Wallkill Valley Electric Light and Power Company, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Wallkill Valley Electric Light and Power Company to construct, maintain, and operate an electric plant in the town of Montgomery, Orange county, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Montgomery on May 25, 1916, subject to all the terms and conditions therein set forth.

2. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Wallkill Valley Electric Light and Power Company to construct, maintain, and operate an electric plant in the town of Crawford, Orange county, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Crawford on May 30, 1916, subject to all the terms and conditions therein set forth.

3. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5854]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of STANDARD LIGHT, HEAT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct in the town of Bainbridge, Chenango county, an electric plant, including poles, wires, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said town.

The Standard Light, Heat and Power Company made application to this Commission on January 5, 1917, for permission to exercise a franchise granted by the town board of the Town of Bainbridge on December 30, 1916. A hearing was held at the office of the Commission in the city of New York on January 26, 1917, at which time the petitioner was represented by Mr. H. C. Hopson. No one appeared in opposition to the granting of the application. Proof of publication of the notice of the application was duly filed at the hearing. The Commission having determined that the construction of an electric plant by the petitioner in the town of Bainbridge and the exercise by it of the franchise hereinbefore referred to are necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Standard Light, Heat and Power Company to construct, maintain, and operate an electric plant in the town of Bainbridge, Chenango county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Bainbridge on December 30, 1916, subject to all the terms and conditions therein set forth.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5856]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of Patrons of New York State Railways at Acrehurst, near Geneva, against said company, asking for a shelter station at the Acrehurst stop.

This complaint was served and the company answered that it would erect one of its standard shelter stations at Acrehurst, including a light; representative of complainants informed the Commission that this is satisfactory; therefore it is

Ordered: That this complaint is closed on the records of the Commission as satisfied.

[Case No. 5879]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of ORIN Q. FLINT against WESTERN UNION TELEGRAPH COMPANY as to practice in relation to delivery and receipt of telegrams at Athens after 6 p. m.

In this matter, after service of the complaint on the company, complainant informed the Commission (letter of February 8, 1917) that the company has agreed to keep the main office in Hudson open until 9 p. m., and to furnish telegraph service at the railroad station in Hudson from 9 until 10:30 p. m., when the ticket agent is in the office; that this arrangement is satisfactory; he withdrew the complaint. The Athens Western Union telegraph business is done through Hudson.

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 2149]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of ELMIRA, CORNING AND WAVERLY RAILWAY under section 98 of the Railroad Law as to its railway crossing the Erie railroad; and in the matter of the Joint Petition of the STATE COMMISSION OF HIGHWAYS and the ERIE RAILROAD COMPANY under section 91 of the Railroad Law as to changing the Corning-Caton county highway No. 850 grade crossing of the Erie Railroad in the town of Corning, Steuben county, to an under-crossing; the point being the same, viz. Brown's Crossing.

Ordered: 1. That an accounting entered into by the Erie Railroad Company with the State Commission of Highways showing expenditures to the amount of \$51,784.56, including interest, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$51,018.42 has been expended by the Erie Railroad Company, and the sum of \$56.53 has been expended by the State of New York by its State Commission of Highways, and the sum of \$709.61 by the Elmira, Corning and Waverly Railway; said accounting having been accepted by the two railroad corporations as indicated by the signatures of their respective comptrollers, and accepted by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$51,784.56 thus expended and herein accounted for, the sum of \$627.48 is a charge solely upon the Erie Railroad Company and is not to be included in the amount forming the basis for distribution of the cost of the work among the other parties in interest, said distribution to be in accordance with percentages referred to and specified in the Commission's order of May 4, 1911.

3. That of the balance of \$51,157.08 (obtained by deducting the sum of \$627.48 from \$51,784.56), the share of and the amount chargeable to the Erie Railroad Company (35 5/7 per cent) is the sum of \$18,270.39; the share of the Elmira, Corning and Waverly Railway (39 2/7 per cent) is the sum of \$20,097.42; and the share of the State of New York is the sum of \$12,789.27, upon which it is entitled to a credit of \$56.53 expended by it as aforesaid, and credits of \$4092.57 and \$1534.71, amounts charged respectively to the County of Steuben and the Town of Corning, leaving as a balance now due and payable by said State of New York to said Erie Railroad Company from funds appropriated for the improvement of highways the sum of \$7105.46.

[Case No. 3668]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1917.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the HALFMOON LIGHT, HEAT AND POWER COMPANY for permission to increase its capital stock from \$55,000 to \$115,000, and for permission to issue stock to the amount of \$60,000. Supplemental order.

Petition filed June 30, 1913; stipulation to allocate fixed capital filed October 30, 1913; order entered November 10, 1913; detailed analysis of fixed capital expenditures from June 30, 1908, to December 31, 1915 (bound separately), filed July 13, 1916; report of division of capitalization dated September 28, 1916; supplemental petition filed January 15, 1917; report of division of light, heat, and power dated February 13, 1917. In accordance with the stipulation recited aforesaid, the company has prepared and filed with this Commission the required allocation of fixed capital in service at December 31, 1915. This allocation has been examined by the divisions of capitalization, and light, heat, and power of the commission, and corrected in accordance with their recommendations. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order entered herein on the 10th day of November, 1913, is hereby modified and amended to authorize the issuance and sale at not less than the par value thereof of \$16,500 par value common capital stock, and the authorization in addition thereto to issue \$13,500 of such stock is hereby canceled.

2. That the Halfmoon Light, Heat and Power Company is hereby authorized to issue \$48,500 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That said stock of the par value of \$48,500 so authorized, or the proceeds thereof to the amount of \$48,500, shall be used solely and exclusively for the following purposes:

(a) For the discharge of indebtedness outstanding at December 31, 1915, or the renewals thereof, as follows:		
Bill payable	\$4,000.00	
Accounts payable	3,405.53	
Other unfunded debt.....	1,306.90	
		\$8,712.43
(b) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from June 30, 1908, to December 31, 1915, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....		
		39,265.85
(c) Working capital		521.72
		\$48,500.00

provided that such working capital shall not be disturbed by such company for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies economically to transact its business.

4. That the Halfmoon Light, Heat and Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a)

what stock has been sold or disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for the purposes specified in subdivisions (a) and (c) of clause No. 3 of this order of the proceeds of the stock herein authorized during such period; (g) the amount used for purpose specified in subdivision (b) of clause No. 3 of this order during such period of the proceeds of the stock herein authorized. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended and used the report shall set forth such fact.

5. That the Halfmoon Light, Heat and Power Company shall place upon its books the values shown in the allocation of fixed capital at December 31, 1915, filed in this case, and that within thirty days of the service of this order the petitioner shall submit to this Commission verified copies of its journal entries effecting such transactions on its books.

6. That the fixed capital accounts of the Halfmoon Light, Heat and Power Company having been carefully checked, and being as nearly as may be ascertained a true statement of the same, the separation of such accounts between fixed capital installed prior to December 31, 1908, and fixed capital installed since December 31, 1908, is no longer necessary, and the petitioner herein shall debit and credit all entries in connection with fixed capital to the appropriate fixed capital accounts prescribed in the Uniform Systems of Accounts for Electrical and Gas Corporations covering expenditures for fixed capital installed since December 31, 1908.

7. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 5 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant; nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of ordering clause No. 5 of this order shall have been made, reported to, and approved as sufficient by this Commission.

8. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and this order shall be of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4643]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF BROOKHAVEN, Suffolk county, under section 91, chapter 378 of the laws of 1914, that this Commission order that the Blue Point Avenue under-crossing of the Long Island railroad at Blue Point shall be widened.

Upon a petition under section 62 (now section 91) of the Railroad Law by The Long Island Railroad Company, filed with the Board of Railroad Commissioners of the State in May, 1900, that Board, under date of September 25, 1900, made a determination providing for the elimination of the Blue Point Avenue crossing of the Long Island railroad in the town of Brookhaven according to a plan on file with that Commission. The plans approved by the Board according to which the work was finally performed provided for an undergrade crossing of 20-foot width clear between abutments and a headroom of 12 feet, approach grades on the north and south descending toward the subway respectively at the rates of 5 per cent and 4.57 per cent, and an I-beam deck superstructure with an open floor. The completed work was approved on January 9, 1902, and the State's portion of the cost (one-quarter of the total), amounting to \$2766.64, was subsequently paid.

This structure which was built before the use of automobiles became general appeared to be of sufficient capacity to accommodate the highway travel; at least no complaint as to inadequacy thereof was made until 1909, when the Suffolk Traction Company was permitted to lay a single track railroad along the approaches and through the subway, at which time the inadequacy of the structure under the changed conditions was brought to the attention of the Commission by a committee of the Town Board of Brookhaven. The electric railroad track was laid to one side of the center of the road on the approaches and through the subway, and cars passing through the latter occupy a substantial portion of the width between the abutments, thus greatly restricting the space available for vehicles. Under these circumstances passage through the subway for pedestrians has become dangerous. In view of the growth of the community, the changed conditions and character of highway traffic, and the operation of the electric railroad, the local authorities of the town consider that public safety requires a widening of the subway and its approaches, and the Town Board has accordingly filed with this Commission an application for such an alteration in the approaches to the existing under-crossing and such a change in the existing structure as shall result in making said approaches and under-crossing of the full width of Blue Point avenue.

Upon this petition the Commission held a hearing on January 19th, at which time due proof of publication of notice of such hearing and of personal service thereof on interested property owners was made. Riley P. Howell, supervisor, appeared for the Town of Brookhaven, and Frank W. Shaw, attorney, for the Town of Brookhaven and for the Blue Point Village Improvement Society; L. J. Caruthers, attorney, and J. R. Savage, chief engineer, for The Long Island Railroad Company; Collin, Wells & Hughes for the Suffolk Traction Company; Mrs. Mary Mahon and Miss L. L. Graham as property owners and for the Ladies' Improvement Society of Blue Point; F. B. Abrams and B. W. Geertsema for property owners; and a number of

property owners in person. The town and county were further represented by Clarence E. Dare and Peter Nostrand, respectively town and county superintendents of highways. Upon the evidence submitted the Commission hereby determines that public safety requires an alteration in the approaches of said crossing and a change in the existing structure, and therefore

Orders: 1. That the undergrade crossing of the Long Island railroad at Blue Point avenue in the town of Brookhaven be reconstructed by the removal of the existing abutments and bridge, and that there shall be constructed in place thereof new abutments and a new bridge of longer span; that the approaches to said reconstructed crossing be widened, sidewalks provided, drainage facilities changed and improved, driveways re-graded, and that such other work as may be required to improve and widen the existing structure to make it conform to the present requirements of highway traffic and public safety performed.

2. The new undergrade crossing shall be $49\frac{1}{2}$ feet wide in the clear, of which $34\frac{1}{2}$ feet shall be reserved for one unobstructed roadway and 15 feet for two sidewalks: one on each side of the roadway. The curb or curb wall of the easterly sidewalk shall be on a continuation of the curb line as it now exists north of the railroad tracks: this will provide for sidewalks each approximately $7\frac{1}{2}$ feet wide or about 7 feet wide in the clear. These sidewalks shall be elevated 4 feet above the roadway crown in the subway, and shall continue through the subway and along the approaches on approximately level grades to intersections with the roadway approach grades; from these points of intersection to the extreme ends of the approaches, except where intersected by driveways, cinder sidewalks with stone or concrete curbing shall be laid.

3. The superstructure shall be in one span, carry a solid floor, and provide for 12 feet minimum headroom over the roadway. To accomplish this it will probably be necessary to raise the railroad grade approximately six inches at the crossing. The approaches shall be widened to the width of the subway, viz. $49\frac{1}{2}$ feet; the grading of the roadway and sidewalks except where the latter are elevated above the roadway surface shall conform approximately to the surface of the existing road; and gutters equal in width to the existing gutters shall be constructed through the subway and along the full extent of the approaches on each side of the roadway, said gutters to be paved with brick or such other material as may be hereafter approved by this Commission.

4. An existing sump or reservoir for surface drainage shall be either entirely rebuilt or so altered as to make it conform to the new conditions. The outlet shall be to the present 18-inch drain leading to Purgatory creek. The existing manholes and manhole covers shall where necessary be repaired, and at least four new manholes on this pipe shall be provided.

5. A private road between property owners Charles and Ernest Abrams shall be re-graded 10 feet in width, with $1\frac{1}{2}$ to 1 slopes. The driveway leading to the station shall also be re-graded as may be necessary for a satisfactory connection with the widened road surface of Blue Point avenue.

6. The slopes in front of the Ernest Abrams property shall be sodded, and gas pipe railings on the concrete sidewalks erected at all points where the difference in elevation of curb and gutter exceeds one foot.

7. Neither the existing roads nor the widened portions thereof are to be paved as a part of this reconstruction project, but it is understood that at some future time the Town of Brookhaven expects to pave this highway at its own cost and expense. No part of the cost of any paving except that in the gutters as herein provided shall therefore be chargeable to the railroad company and the State.

While the Commission has no power to order a re-location of the electric railroad track which, as stated, is located on one side of the center line of the subway, it nevertheless suggests to the Town of Brookhaven which may have the matter under its control, that this track properly might be re-located so that its new center line shall coincide with the center of the proposed new

roadway: no part of the cost of any such re-location, however, to be chargeable to the elimination account.

The Long Island Railroad Company may desire to expand its facilities by the construction of abutments sufficiently large to accommodate a double track railroad bridge. This order is made upon the express condition that if such additional construction is provided the cost thereof shall be borne entirely by the railroad corporation and form no part of any charges against the Town of Brookhaven or the State of New York.

[Case No. 4643]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF BROOKHAVEN, Suffolk county, under section 91, chapter 378 of the laws of 1914, that this Commission order that the Blue Point Avenue undercrossing of the Long Island railroad at Blue Point shall be widened.

Reference is made to the general order of this Commission under date of July 17, 1915, in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled, under date of February 15th determined and directed that a certain existing undergrade crossing of the Long Island railroad in the town of Brookhaven, Suffolk county, by Blue Point avenue, requires a change in the existing structure and an alteration in the approaches thereto according to certain plans to be approved by this Commission and under its direction, the total cost of such reconstruction having been estimated at the sum of \$22,000, of which total cost the share of the State of New York as fixed by statute would be the sum of \$5500; now therefore it is

Ordered: 1. That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of other grade crossing eliminations or of the reconstruction of existing over- or undergrade crossings heretofore ordered and now under way, the available balance being approximately the sum of \$222,000, there shall now be segregated and set apart to the credit of case No. 4643 above entitled the sum of \$5500 to meet the State's share of the cost of such reconstruction in said case as such cost may be hereafter and from time to time duly determined and certified by this Commission.

2. That after final accounting in this case and after payment in full of the State's share of the cost and expense therein incurred, any unexpended balance which may remain to the credit of this case shall by order of the Commission duly made be re-transferred to the general fund appropriated by the Legislature for grade crossing purposes.

[Case No. 5467]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of SALMON RIVER POWER COMPANY for authority to issue, pursuant to section 69 of the Public Service Commissions Law, \$54,400 in par value of its capital stock, and \$207,000 face value of its 5 per cent 40-year gold bonds secured by its mortgage dated October 5, 1912; and of the SALMON RIVER POWER COMPANY and PULASKI ELECTRIC LIGHT COMPANY for consent, pursuant to section 70 of the Public Service Commissions Law, to the transfer by the Pulaski Electric Light Company to the Salmon River Power Company of the entire property, rights, privileges, and franchises of said Pulaski Electric Light Company; and for authority to the Pulaski Electric Light Company, pursuant to section 70, to acquire stocks and bonds of the Salmon River Power Company in exchange for said transfer. Also Petition of the NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY for permission to guarantee said bonds of the Salmon River Company.

Supplemental
order.

Petition filed March 9, 1916; report of division of capitalization dated May 8, 1916; petition of Niagara, Lockport and Ontario Power Company filed January 1, 1917; hearing held January 4, 1917; order entered January 9, 1917; supplemental petition filed January 8, 1917; report of division of light, heat, and power dated February 6, 1917. Under date of January 9, 1917, the Salmon River Power Company was authorized to issue and sell \$216,000 face value of its 5 per cent 40-year first mortgage gold bonds, and to hold unexpended the proceeds realized from such sale until the use of such proceeds was specifically authorized by the Commission, the inquiry of the Commission into the proposed use not having been completed. The aforesaid order permitted the sale of the bonds at a minimum price of 87 per cent of their face value. The Commission is advised, however, that their sale has been negotiated at 88½ per cent of face value. Furthermore, the Commission has completed its inquiry into the proposed use of some of the bond proceeds. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Salmon River Power Company is hereby authorized to issue \$28,500 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

2. That the Salmon River Power Company is hereby authorized to use the proceeds realized from the sale of \$126,000 face value of the 5 per cent 40-year first mortgage gold bonds at 88½ per cent of their face value, authorized to be issued by order herein dated January 9, 1917, to the amount of \$111,510, together with the proceeds realized from the sale of capital stock herein authorized, viz. \$28,500; \$140,010, solely and exclusively for the following purposes;

(a) For the acquisition from the Salmon River Land Company of certain lands and water and riparian rights now owned by said company located on the Salmon river in the towns of Orwell, Richland, and Albion, and villages of Altmar and Pulaski, as described in exhibit B and an additional schedule attached to the petition, the cost of which, including surveys, legal and traveling expenses, etc., incident to the purchase thereof from May 1, 1911, to May 11, 1912, aggregates \$91,855.46; interest at 6 per cent to January 15, 1917, \$27,994.18.....	\$119,849.64
(b) For the acquisition from Fred D. Corey of certain lands and water and riparian rights now owned by him located on the Salmon river in the towns of Orwell and Redfield, as described in exhibit C and an additional schedule attached to the petition, the cost of which, including surveys, river consents for diversion, legal and traveling expenses, etc., incident to the purchase thereof from February 26, 1912, to December 16, 1913, aggregates \$15,950.12; interest at 6 per cent to January 15, 1917, \$4196.61.....	20,146.73
	<hr/> \$139,996.37 <hr/>

Excess \$13.63

3. That the Salmon River Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities heretofore and herein authorized in this proceeding and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary showing the expenditures during such period by the prescribed accounts. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the securities herein and heretofore authorized in this proceeding to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities heretofore and herein authorized in this proceeding shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

4. That an amount equivalent to the portion of the proceeds of bonds herein authorized to be used for payment of interest on the purchase price of the land, etc., to be acquired from the Salmon River Land Company and Fred D. Corey, which according to the certificate contained in the final clause of this order is for a purpose properly chargeable to income, shall be charged to a debit suspense account to be entitled "Interest Suspense to be Amortized," which shall be amortized at the rate of at least \$1000 during each calendar year, beginning with the year 1917, by charges to the prescribed account "Contractual Deductions from Income"; provided that said company may amortize the said sum more rapidly than herein provided by crediting the account "Interest Suspense to be Amortized" and debiting the account "Corporate Surplus" with the excess so credited over the amount required herein.

5. That the company shall within thirty days from the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the use herein authorized to be made of the proceeds of securities herein and heretofore authorized in this proceeding is reasonably required for the purposes

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specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except as to \$16,075.40 of bond proceeds authorized to be used in payment of the carrying charges on the land purchases during the period of operation of the Salmon River Power Company.

[Case No. 5656]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of MILTON L. SKINNER, E. O. BARNES, WILLIAM PULIS, ORVAL H. KAYS, and FULBOAM DAIRY COMPANY of Milanville, Penna., *against* ERIE RAILROAD COMPANY, asking that a proper passenger and freight station building be constructed at Skinner's Falls, Sullivan county, N. Y.

The Commission having considered the petition of the Erie Railroad Company, respondent herein, for a rehearing of this case, it is

Ordered: That the petition be and hereby is denied.

[Case No. 5672]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of COLLIERS LIGHT, HEAT AND POWER COMPANY *against* ONEONTA LIGHT AND POWER COMPANY, alleging that the last named company is unlawfully furnishing to the public electricity in a lighting district at Oneonta Plains, in the town of Oneonta, Otsego county.

This case having been duly heard by the Commission, and it having been determined for the reasons set forth in the accompanying Opinion that the prayer of the petitioner should be granted, it is

Ordered: 1. That the Oneonta Light and Power Company cease and desist, within thirty days from the date of the service of this order on it, from transmitting and distributing electricity for lighting, heating, and power purposes in that portion of the town of Oneonta lying westerly of the city of Oneonta and known as Oneonta Plains.

2. That said Oneonta Light and Power Company notify this Commission within ten days from the date of the receipt of a copy of this order if it accepts the terms thereof and will comply with the same in all respects.

[Case No. 5701]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the PRESIDENT AND TRUSTEES AND RESIDENTS OF THE VILLAGE OF HANCOCK, Delaware county, *against* ERIE RAILROAD COMPANY as to protection at crossings at grade of said railroad and streets in said village.

Complaints filed September 8 and 14, 1916; answer filed October 6, 1916; hearing held at the village hall in Hancock on January 18, 1917. Appearances: Frank A. Taylor and C. E. Scott for the Village of Hancock; Vincent N. Elwood for certain residents of Hancock; A. M. Hartung for Erie Railroad Company. The complaints in this case allege that there are four dangerous crossings in the village of Hancock: viz. Wheeler street, Leonard street, LaBarr's crossing which is in the eastern portion of the village, and Railroad avenue or Mallery's crossing which is about one thousand feet west of the passenger station; and that the trains of the Erie railroad are operated at a dangerous speed through the village, and that further protection is required at these crossings. They are all protected by crossing-signs and alarm-bells excepting LaBarr's crossing which has only a crossing-sign. The trustees of the village requested the Erie company to install gates or to station flagmen at these crossings; and that request not having been complied with, the Commission was asked to make an order compelling the company to provide this protection. The passenger station of the Erie company is near the center of the village, and its main line runs through the central and southern portion of the village. The freight station is about one hundred feet west of the passenger station. The Wheeler Street and Leonard Street crossings are about five hundred feet apart; the latter being near the western end of the freight house, and the former about two hundred fifty feet east of the passenger station. LaBarr's crossing is some distance east of the passenger station and across the Delaware river. The railroad comes into the main portion of the village from the east on a curve so that it is difficult for travelers going north on Wheeler street to see westbound trains approaching the Wheeler Street crossing. The approach to the Railroad Avenue crossing from the east is also somewhat obstructed by a high bank. The highway which crosses the railroad at Railroad avenue so called is a main thoroughfare running from New York down into the State of Pennsylvania, and there is a creamery near this crossing. Quite a large number of farmers draw milk to this creamery, and they come from the north side of the tracks. Leonard street is a short street extending south of the tracks. Wheeler street extends from the main street in the village to the river; it is not a main thoroughfare but merely a short village street. LaBarr's crossing is not part of a main traveled thoroughfare. All of the passenger trains of the railroad stop at Hancock between 6 a. m. and midnight with one exception. There was some testimony to the effect that the trains of the Erie operate at a high rate of speed through the village. There was also some evidence that switching is done across the Wheeler Street crossing without properly protecting the movements. This is contrary to the rules of the company and should not be permitted to continue. There is a considerable amount of vehicular traffic over all of the crossings except LaBarr's, and a large number of pedestrians pass over all of the crossings daily. While some of the witnesses testified that the crossing-bells are frequently out of order, particularly the one at Wheeler street, yet the man in charge of these signals

for the railroad testified that they were tested twice each day and to his knowledge had not been out of order for at least eighteen months. The principal complaint regarding the bells seemed to be that they rang occasionally when no train was actually approaching the crossings. It was explained that this was due to the fact that a train might be stopped outside of the village but in such a position as to close the circuit and cause the bell to ring. This seems to be due entirely to the present method of operation. It was shown that this seldom occurred except when a freight train was on the switch near LaBarr's crossing. This condition can be improved by changing the point at which the train makes contact with the bell ringing circuit and then this particular cause for complaint will be removed. So far as the record shows very few accidents have occurred at these crossings over a period of many years. A fatal accident occurred at the Wheeler Street crossing on September 1, 1916, when a Mrs. Bowen was struck by an engine operating in the reverse direction on the westbound track, the practice being for freight trains to stop on the switch near LaBarr's crossing, the engine then proceeding to the water-tank near the freight house, and afterward backing up on the westbound track to the train. When this last movement of this engine is made the bell at Wheeler street does not ring, and probably some further protection should be given by the railroad for such movements at this crossing. As this only occurs occasionally during the day, it would seem unnecessary to require gates or a flagman for this movement alone. The trains which pass through the village without stopping are limited to a speed not exceeding forty miles per hour, but one witness testified that the milk trains exceeded that speed.

From an examination of this entire situation made by a representative of the division of steam railroads and by the Commissioner who held the hearing, the Commission is of the opinion that the traffic over these crossings would not justify the making of an order requiring the installation of crossing-gates or the stationing of flagmen at these crossings. However, we are of the opinion that the railroad company ought not to operate its trains at any such speed as forty miles per hour through that portion of the village lying between Railroad avenue and the Delaware river. The situation might also be improved by giving warning signals with the locomotive whistle on approaching these crossings from either direction. This might be objectionable to the residents of the village, particularly at night, but it is believed the matter can be worked out satisfactorily between the representatives of the railroad company and the village authorities. It is therefore

Ordered: 1. That the complaint herein be and the same hereby is dismissed, with the right to the petitioners to renew the same provided the village authorities are unable to arrive at some satisfactory arrangement with the railroad company relating to the speed of trains through the village and with regard to additional warning signals to be given on approaching the crossings covered by the complaint.

2. That the Erie Railroad Company notify this Commission in writing within thirty days from the date of this order what arrangements if any it has made to afford additional protection at the Railroad Avenue, Leonard Street, and Wheeler Street crossings in the village of Hancock, along the lines herein suggested.

[Case No. 5749]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of COLLIERS LIGHT, HEAT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct in the town of Oneonta, Otsego county, an electric plant, poles, wires, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said town.

This matter having been duly heard by the Commission, and it appearing from the facts and conclusions set forth in the accompanying Opinion that the application of the petitioner should be denied, it is

Ordered: 1. That the application of the Colliers Light, Heat and Power Company for permission to exercise a franchise granted by the town board of the Town of Oneonta on October 11, 1916, so far as the same relates to that portion of the town lying south of the Susquehanna river and also in the eastern portion of said town along the state highway leading from Oneonta to Cooperstown, be and the same hereby is denied.

2. That the Oneonta Light and Power Company shall cease and desist from transmitting and distributing electric energy in that portion of the town of Oneonta south of the Susquehanna river within ninety days from the date of this order, unless it shall in the meantime have obtained the necessary legal authority to entitle it to transact business in that portion of said town.

3. That the said Oneonta Light and Power Company shall notify this Commission within fifteen days from the date of this order whether it accepts the same and will comply with the terms thereof in all respects.

[Case No. 5752]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of SAMUEL BORST, K. E. MORGAN, and ONEONTA LIGHT AND POWER COMPANY under section 70, Public Service Commissions Law, as to the transfer of a franchise and pole line for electricity in a portion of the town of Oneonta, Otsego county.

An application was presented to the Commission on October 13, 1916, by Samuel Borst, K. E. Morgan, and the Oneonta Light and Power Company,

asking for the consent of this Commission to the transfer of a certain franchise and electric line in the town of Oneonta by Borst to Morgan, and by the latter to the Oneonta company. A hearing was held at the office of the Commission in the city of Albany on November 22, 1916, at which time proof of publication of notice of this application and a public hearing thereon was filed. The petitioners were represented by Messrs. Thompson and Van Woert of Oneonta, and Mr. N. P. Willis of Cooperstown appeared on behalf of the Colliers Light, Heat and Power Company in opposition to the application. Mr. Dennis J. Kilkenny appeared as attorney for the Town Board of the Town of Oneonta. On September 1, 1905, a franchise was granted by the Town Board of the Town of Oneonta to Samuel Borst, authorizing him to construct and maintain electric wires on existing poles from the end of the trolley track in the village of Oneonta to the entrance to the farm of Mr. Morgan at Emmons, and also from the same point at the end of the trolley line to the wires of the Oneonta company near the tracks of The Delaware and Hudson Company. It appears that Mr. Borst was acting as the agent for Mr. Morgan in this matter, and that the wires were to be extended to his farm to supply electricity for use there. The extension was made on or about the time the franchise was granted, the wires being placed upon the poles of the telephone company which were located along the public highway running from Oneonta to Cooperstown. As soon as the connection was made with the wires of the Oneonta company, pursuant to the franchise it began to supply electricity over the line and has continued so to do ever since, and the ownership except as to the poles has remained in Mr. Morgan until the transfers were made to which we are now asked to give our consent. Mr. Borst never had any financial interest in the line. From time to time other people have been connected in on this line so that it is serving the public along the highway in question as well as Mr. Morgan, and apparently no objection has ever been made by either the public or the municipal authorities. The wires carrying the electricity of the Oneonta company extend for more than a mile beyond the Morgan place, although this is not authorized by the franchise hereinbefore referred to. Presumably the Oneonta company is also furnishing service along this portion of the public highway. It has assumed to use this line as its own ever since it was constructed and has maintained it during that time. It is doubtful whether the Oneonta company is legally authorized under that franchise to transact business along the highway beyond the Morgan place as it is now doing. However, it is now and has for many years been supplying a public necessity in so doing and is apparently harming no one nor interfering with the rights of others. Under the assignments which have been presented to the Commission, the Oneonta company has acquired whatever rights Mr. Morgan and Mr. Borst may have had in the franchise and line which was constructed under the authority which was conferred upon the grantee. It is evident that the operations under said franchise have been carried on in good faith, and we see no reason why we should disturb the company at this time in the exercise of such rights as it may have obtained under the grant from Borst. It is therefore

Ordered: That pursuant to the provisions of section 70 of the Public Service Commissions law, the consent of this Commission be and the same hereby is given —

First, to the sale and transfer by Samuel Borst to K. E. Morgan of all the right, title, and interest of said Borst in and to the franchise granted to him by the town board of the Town of Oneonta on September 1, 1905;

Second, to the sale and transfer by K. E. Morgan to the Oneonta Light and Power Company of all his right, title, and interest in and to the franchise granted to Samuel Borst by the town board of the Town of Oneonta on September 1, 1905, together with the pole line and wires which have been constructed and maintained pursuant to said franchise from the power house of the Oneonta Light and Power Company to and beyond the premises of said Morgan in the town of Oneonta; and to the acquisition of said property and franchise by the Oneonta Light and Power Company.

[Case No. 5873]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of FRANK GILBERT PAPER COMPANY under section 53, Public Service Commissions Law, for permission to construct a single track siding in the city of Cohoes for the transportation of freight, and approval of a franchise from the city therefor.

Petition filed January 19, 1917. Proofs of publication of notice of the hearing filed January 30, 1917. Hearing held at the office of the Commission in the city of Albany on January 30, 1917. Frank W. Neary for petitioner; John E. MacLean for United Traction Company; Lewis E. Carr, jr., for The Delaware and Hudson Company. The petitioner wishes to construct a switch track about 1150 feet in length from its mill on the east side of Saratoga street, in the city of Cohoes, to connect with the tracks of The Delaware and Hudson Company. This switch track will cross Saratoga street and Spring street in the city of Cohoes, and the petitioner has obtained a franchise from the City of Cohoes enabling it to construct, maintain, and operate the same upon, along, and across these streets. The Delaware and Hudson Company joins in the application as it has entered into an agreement with the petitioner covering the construction of the sidetrack which is to be operated by The Delaware and Hudson Company. The Commission having determined that the construction of such sidetrack and the exercise of the franchise granted by the City of Cohoes on December 28, 1916, are necessary and convenient for the public service, it is

Ordered: 1. That the permission and approval of this Commission be and they hereby are given to the Frank Gilbert Paper Company to construct a sidetrack from its plant to connect with the track of The Delaware and Hudson Company substantially as shown on map filed with this Commission dated June 14, 1915, No. 26321, entitled "Delaware and Hudson Co. Sidetrack for Gilbert and Bell, Cohoes, N. Y."; and to exercise the franchise granted by the City of Cohoes on December 28, 1916, subject to all the terms and conditions therein set forth, it being understood that the actual work of constructing said sidetrack in the public streets of said city and the operation of cars over said sidetrack are to be done and performed by The Delaware and Hudson Company pursuant to agreement entered into between it and said Frank Gilbert Paper Company under date of February 1, 1917. Such protection shall be provided at street crossings as the Commission may by order require.

2. That pursuant to the provisions of section 98 of the Railroad Law the Commission hereby determines that such switch track shall cross the track of the United Traction Company on Saratoga street at grade, and so it will not interfere with the scissors switch of the United Traction Company located northerly from the proposed point of intersection. The expense of making and maintaining said crossing and of re-locating said scissors switch if the same shall be necessary for the proper operation of the cars of the United Traction Company shall be borne entirely by the petitioner, its successors and assigns.

3. That the said Frank Gilbert Paper Company and The Delaware and Hudson Company shall notify this Commission within ten days from the date of the receipt of this order whether the terms of said order are accepted and will be obeyed by each of them in all respects.

[Case No. 2072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of February, 1917.*Present:*SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petitions of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 91 of the Railroad Law as to the elimination of grade crossings of its railroad in the village of Ossining.

The New York Central Railroad Company has submitted to this Commission a verified statement of expenditures claimed to have been made in carrying out the order herein dated October 31, 1911, such expenditures amounting in the aggregate to the sum of \$338,349.97. Included in the amount mentioned are the sums of \$13,158.68 and \$1929.36 respectively expended by the Village of Ossining and by the State of New York for account of the elimination project. After careful examination of the account thus presented this Commission has arrived at the conclusion that various of the expenditures set forth in the statement of the railroad corporation are not properly chargeable against the elimination account and accordingly ought not to be included in a determination of the cost of the improvement; the aggregate amount of the expenditures which in the opinion of the Commission has been improperly included in the account being the sum of \$24,000. A conference between the Chairman of this Commission and its engineer of grade crossings, and Mr. Ira A. Place, vice-president of The New York Central Railroad Company, and certain of its engineers was held on February 2nd last, at which time the railroad corporation agreed to accept the proposed reduction of its bill in the aforesaid sum of \$24,000, leaving as a balance of the account to be approved by this Commission as properly chargeable against the elimination project the sum of \$314,349.97, of which last mentioned amount the sum of \$299,261.93 has been expended by The New York Central Railroad Company, the sum of \$13,158.68 by the Village of Ossining, and the sum of \$1929.36 by the State of New York. It is now accordingly

Ordered: 1. That the accounting papers herein of The New York Central Railroad Company now under consideration by this Commission shall be approved after reducing the total amount in said accounting claimed to have been expended in carrying out the orders of the Commission herein by the sum of \$24,000, thus showing an aggregate expenditure properly chargeable to the elimination account of \$314,349.97; upon which basis the amounts chargeable to the parties for their respective shares, as fixed and provided by the statute, shall be and the same hereby are determined as follows:

	Share ($\frac{1}{2}$ of total cost)	Expended	To pay	To receive
Village of Ossining.....	\$78,587.49	\$13,158.68	\$65,428.81	.....
State of New York.....	78,587.49	1,929.36	76,658.13	.....
New York Central Railroad Company.	($\frac{1}{2}$ of total cost) 157,174.99	299,261.93	.....	\$142,086.94
		<u>\$314,349.97</u>	<u>\$314,349.97</u>	<u>\$142,086.94</u>

2. On September 21, 1915, the State of New York paid to The New York Central Railroad Company on account of its share of the cost of the elimination project herein (the amount having been heretofore determined in an

intermediate accounting) the sum of \$61,704.34. Upon the amount mentioned the State of New York is entitled to receive credit for interest in the sum of \$3805.10, making as a total credit to which the State of New York is entitled \$65,509.44, leaving as the amount now due and payable to The New York Central Railroad Company by the State of New York the sum of \$11,148.69: together amounting to the sum of \$76,658.13 (said last mentioned sum being the net amount of the State's share of the total expenditure of \$314,349.97 as aforesaid).

3. There is now due and payable to The New York Central Railroad Company by the State of New York as the balance of its one-quarter share of all expenditures which have been thus far determined as properly made for account of this proceeding the sum of \$11,148.69; and there is now due and payable to The New York Central Railroad Company by the Village of Ossining as the balance of its one-quarter share of all expenditures which have been thus far determined as properly made for account of this proceeding the sum of \$65,428.81.

[Case No. 3731]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK LEVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the FEDERAL TELEPHONE & TELEGRAPH COMPANY for permission to issue \$300,000 of its preferred 7 per cent cumulative stock.

Third
amendatory
order.

Petition filed August 6, 1913; preliminary report of telephone engineer dated August 18, 1913; order entered August 20, 1913; amendatory report of telephone engineer dated September 10, 1913; amendatory order entered September 25, 1913; supplemental petition filed February 15, 1915; supplemental reports of telephone engineer dated February 27 and March 26, 1915; second amendatory order entered May 17, 1915; second supplemental petition filed March 21, 1916; report of telephone engineer dated March 27, 1916; report of division of capitalization dated October 13, 1916 (filed in case No. 4153); hearings held October 31 and December 31, 1916 (testimony of latter hearing filed in case No. 4153). By order herein dated September 25, 1913, as amended on May 17, 1915, the Federal Telephone & Telegraph Company was authorized to issue and sell at not less than the par value thereof \$290,000 par value of 7 per cent cumulative preferred capital stock, and to use the proceeds realized from such sale for certain new construction detailed in clause 3 of said order. Verified reports filed by the company show that all of the stock so authorized has been sold. However, it has not been necessary to use all of the proceeds realized from the sales of stock for the authorized purposes, and there remain in the treasury of the company \$24,500 realized from the sale at par of a like amount of such stock which the company by supplemental petition filed on March 21, 1916, requests authority to use for purposes other than new construction. To accomplish this the petitioner requests permission to withdraw the reports filed in this proceeding verified July 14, 1915, and January 14, 1916, of the sale of \$24,500 par value of stock, and to report its sale in case No. 4153, using said sum for the same purpose for which securities have been authorized in that last named case, namely, payment of debt. The matter was referred to the

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division of telegraphs and telephones and capitalization, and their reports thereon are dated March 27 and October 13, 1916, respectively. Now therefore, upon the foregoing record,

Ordered: That the authority to use the proceeds realized from the sale of \$24,500 par value of 7 per cent cumulative preferred capital stock of a total of \$290,000 par value authorized to be issued by order herein dated September 25, 1913, is hereby vacated, and the Federal Telephone & Telegraph Company is hereby authorized to report the issue and sale of said stock of the par value of \$24,500 in case No. 4153, and the use of the proceeds thereof for the purposes to be enumerated in the superseding order to be entered in that case.

[Case No. 4155]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of HALLAN L. IVES and WILLIAM A. MOORE *against* MOUNTAIN HOME TELEPHONE COMPANY, refusal to make semiannual rate.

This is a complaint against the short-term rates of the respondent. It has been held awaiting the result of a general investigation by the Commission of the short-term rates of the various companies. As a result of that investigation the Mountain Home Telephone Company has filed tariffs greatly reducing its short-term rates, and such tariffs appear to the Commission to be reasonable. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5511]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of L. G. LOOMIS & SON *against* THE NEW YORK CENTRAL RAILROAD COMPANY, alleging failure to supply at Holcomb, Ontario county, N. Y., two box cars for grain equipped with grain doors or material for same, for shipment to Watkins, Schuyler county, N. Y.

It appeared on the hearing in this case February 14, 1917, that the gravamen of the complaint concerns the construction of the respondent's tariffs relating to the furnishing not only of lumber for grain doors but

also of lumber for bulkheads, for the shipment of produce as well as for the shipment of grain; and also the reasonableness of the maximum allowance made when shippers furnish such lumber. Similar tariffs are in effect by the other carriers, and it was stated on behalf of the respondent on the hearing that the practices of the other carriers in construing the said tariffs are the same as those of the respondent. It is evident that the matter should be investigated in a proceeding to which the other carriers are parties. It is therefore

Ordered: That this case be and the same hereby is closed on the records of the Commission.

[Case No. 5706]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of **TWINING, MILLARD & RICE**, a copartnership, *against* **THE NEW YORK CENTRAL RAILROAD COMPANY** as to switching charges at Carthage.

The complaint charges that a switching rate to which the complainants are subjected at Carthage is unreasonable and discriminatory. The complainants own timber in Lewis county near the village of Copenhagen. It is floated down Deer river and Black river to a point near the tracks of the respondent in the southern part of the village of Carthage. There it is landed, placed on cars, and moved to the West End Paper Company's mill in the northern part of the village. The maximum distance is 7533 feet. The movement involves drawing the cars over one main line about 2300 feet to a junction with another main line. There, by use of the main line track and a passing siding, the locomotive is placed at the other end of the string of cars in order that they may be shoved to the paper mill. This extra movement involves about 2000 feet additional, so that, speaking in round numbers, the distance involved is about 10,000 feet. Empty cars are returned without charge. It was intended at first to bring the lumber to Carthage over the Carthage and Copenhagen railroad, and a tariff existed or was then installed of \$3.50 per car from Carthage and Copenhagen Junction to the paper mill. The village authorities of Copenhagen would not permit a track necessary for the business to be laid across the village streets so that the present method was forced on the complainants. The \$5 rate is a general switching rate within Carthage station limits and is the general rate prevailing at many other stations on the same division of the railroad. There is no evidence that it is intrinsically unreasonable but it is claimed that it is discriminatory. This claim is based upon the \$3.50 rate from Carthage to Copenhagen Junction and another rate of \$3.50 from the St. Regis Rossing Mill to the Carthage Sulphite and Paper Company's siding. The former rate was installed at the instance of the complainant for the purpose of competing with the river transportation. The latter involves a haul by the respondent of only about 500 feet, while the rest of the distance, which is very considerable, is covered by the paper company's engines and cars. It therefore does not appear that there is any unjust discrimination, and it is

Ordered: That the complaint be and the same hereby is dismissed.

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[Case No. 5772]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the UNITED TRACTION COMPANY'S proposed new passenger fares and charges, and regulations and practices affecting such fares and charges.

The Commission by order made November 8, 1916, entered upon an investigation as to the propriety of new individual fares and charges, and regulations and practices stated in the United Traction Company local tariff of passenger fares P. S. C., 2 N. Y., No. 10, and ordered the operation of said tariff suspended until January 25, 1917. It appearing that the hearing and investigation could not be concluded within the period of suspension, the time of suspension was thereafter, January 23, 1917, extended until February 26, 1917. Now, after investigation and consideration, and upon the facts found and for the reasons stated in the accompanying Opinions, it is

Ordered: That the orders heretofore entered suspending the operation of said tariff be and they are hereby vacated and set aside as of February 25, 1917, and said tariff is authorized to become effective as of February 25, 1917.

[Case No. 5837]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of SAMUEL BORCHARDT of New York city against NEW YORK TELEPHONE COMPANY, asking that a public telephone be installed in his store and real estate office which is also an entrance to the Borchardt Apartments at 2596 Broadway, New York city.

Complaint filed December 23, 1916; answer filed January 17, 1917; hearing held February 3, 1917, at the office of the Commission in the city of New York. Appearances: Arthur D. Koppel and Siegfried Borchardt for the complainant; Paul H. Burns for the respondent. The complainant alleges that people frequently come into his real estate office to use the telephone, and that he believes there should be a public telephone installed in his office or in that vicinity as there is no public telephone on the east side of Broadway between 97th and 98th streets. It developed at the hearing that the complainant was not insistent that this telephone should be installed on his premises, and that he would be reasonably well satisfied if a public telephone were located at any other point in that particular block. The

representatives of the telephone company stated that arrangements had been made to install a public telephone at No. 2576 Broadway, which is to be occupied by A. Schulte as a cigar store, and that it was thought this service would be available in the very near future. Under the circumstances, it appearing that the complaint will be satisfied by the installation of a public telephone as proposed, it is

Ordered: That the complaint herein be and the same hereby is dismissed, with the right to the complainant to renew the same in the event that a public telephone is not installed on the east side of Broadway between 97th and 98th streets within sixty days from the date of this order.

[Case No. 5846]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of NEWBURGH INDUSTRIAL CENTER, INC., under section 53, Public Service Commissions Law, for permission to construct, and approval of a franchise from the City of Newburgh to construct, a switch or switches and a siding or sidings in that city.

It appearing to the Commission that the Erie Railroad Company is a necessary party in this proceeding,

Ordered: That the Erie Railroad Company be and is hereby made a party to this proceeding.

[Case No. 5910]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Practices of Carriers in the Application of Their Tariffs Relating to the Furnishing of Grain Doors and Bulkheads, and the Reasonableness of the Maximum Allowance Made under such Tariffs when Lumber for Grain Doors or Bulkheads is Furnished by the Shipper.

It having been brought to the attention of the Commission by the complaint of L. G. Loomis & Son against The New York Central Railroad Company (case No. 5511) that certain of the carriers, parties to the proceeding in case No. 4725, are so interpreting the tariffs filed in pursuance of the order made in that case as to claim for the carrier the option of determining

whether it will furnish lumber for grain doors and bulkheads or require the shipper to furnish the same under the allowances prescribed in the tariffs; and it appearing also that certain of said carriers make no effort to have lumber available at most points of shipment; and the complainant in case No. 5511 asserting also that the maximum allowance of \$2 per car provided by said tariffs is insufficient and unjust; and the respondent in said case contending that to require carriers to have lumber available at points of shipment is unreasonable and oppressive; and it appearing to the Commission that the inquiry involved should not be made on the complaint of a single shipper against a single carrier, it is

Ordered: That the Commission of its own motion, without formal pleading, enter upon a hearing concerning the lawfulness and reasonableness of said tariffs in the respect above stated, and of the lawfulness and reasonableness of the practices of the carriers in interpreting and enforcing said tariffs in respect of the practices and interpretations above set forth; and it is further

Ordered: That copies hereof be forthwith served upon the carriers, parties to said former proceeding, case No. 4725, to wit Buffalo, Rochester and Pittsburgh Railway Company; Marcellus and Otisco Lake Railway Company; Shannateles Railroad Company; The Pennsylvania Railroad Company; The Delaware, Lackawanna and Western Railroad Company; Erie Railroad Company; Genesee and Wyoming Railroad Company; Lehigh Valley Railroad Company; The New York Central Railroad Company; West Shore Railroad (The New York Central Railroad Company, lessee); The Pittsburgh, Shawmut and Northern Railroad Company (Frank Sullivan Smith, Receiver); The Delaware and Hudson Company. That said carriers be and are hereby made respondents in this proceeding, and that they and L. G. Loomis & Son be duly notified of the time and place of hearing hereafter to be fixed.

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central Railroad and the Buffalo, Rochester and Pittsburgh Railway, and the construction of an undergrade crossing.

Upon the recommendation of The New York Central Railroad Company as indicated by the signature of its chief engineer upon a detail plan showing the superstructure to be erected by that company to carry out the Commission's determination of July 26, 1916, in the matter above entitled, and upon the approval of the local authorities as similarly indicated by the approval signatures on said plan of the mayor and city engineer, it is

Ordered: That said plan be and it is hereby approved.

[Case No. 5778]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day
of February, 1917.**

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

**Petition of CENTRAL NEW ENGLAND RAILWAY COMPANY
under section 54 of the Railroad Law (chapter 564,
laws of 1915) for consent to the discontinuance of
the Winchells station and Husted station on its
railroad, between Pine Plains and Millerton.**

The Central New England Railway Company, under section 54 of the Railroad Law (chapter 564, laws of 1915), having petitioned this Commission for leave to discontinue the Winchells and Husted stations on its railroad, between Pine Plains and Millerton; and notice having been given of a public hearing upon the said application, which was held on the 12th day of January, 1917, and attended by representatives both of the petitioner and of the neighborhoods affected by the said application; and the Commission after a very careful consideration of the testimony presented by both sides having reached the conclusion that a mere discontinuance of Winchells and Husted stations, such as upon its face this application seems to be limited to, would not place the petitioner in a position of being able to effect any direct economies worth mentioning in connection with either of these stations — which are stations of the most primitive character, without station agent or other official employed at either of them — but would certainly cause serious loss and inconvenience to a considerable number of persons who now use these stations habitually; and the Commission being further of the opinion, with respect to the larger economies which the railroad seeks to effect by discontinuing these stations, that such economies if made effective would necessarily result in a virtual abandonment of the entire branch line between Millerton and Pine Plains, which the Commission does not feel that it would be justified upon the evidence before it in approving of at the present time, it is hereby

Ordered: That this petition be and the same hereby is denied, and that the case be closed upon the records of the Commission.

[Case No. 5831]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day
of February, 1917.**

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.**

**THE MEDIATOR PUBLISHING COMPANY, by Morse M.
Frankel, secretary, complainant, against NEW YORK
TELEPHONE COMPANY, respondent.**

The Mediator Publishing Company, by Morse M. Frankel, secretary, having filed a complaint against the New York Telephone Company, asking for the

entry of an order directing respondent to restore the complainant's telephone service which was recently discontinued; and respondent having filed its answer to the said complaint, alleging as its reason for discontinuing this service that for a considerable time the said Morse M. Frankel, in the use of the telephone, has been indulging in irregular practices calculated to annoy and disturb the respondent's operators, and to endanger their hearing and health, and to prevent them from discharging their duties in an orderly manner; and the matter having come on for hearings before this Commission on the 2nd and 9th days of February, 1917, of both of which hearings said Morse M. Frankel was duly notified, so that he might if he desired so to do attend and lay before the Commission the circumstances upon which he relied in making his application to the Commission for relief, or any explanation he might care to offer in regard to the allegations contained in the answer of the said respondent; and the said Morse M. Frankel having failed on both occasions to appear, although many witnesses were present on behalf of the respondent, some of them produced in response to telephonic requests from the said Morse M. Frankel; and the Commission being of the opinion that the said Morse M. Frankel's practices in connection with his use of the telephone, as described by a large number of apparently perfectly reliable witnesses, have been habitually such as amply to justify the respondent in discontinuing his service, and as to leave this Commission no ground whatsoever upon which to base an order directing the resumption of telephone service to the said Morse M. Frankel, or to any other subscriber who knowingly permits the said Morse M. Frankel to make regular use of its telephone, it is hereby

Ordered: That this complaint be and the same hereby is denied, and that this case be closed upon the records of the Commission.

[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petitions of THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA, Erie county; and the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SLOAN, Erie county, for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

Upon the recommendation of The Delaware, Lackawanna and Western Railroad Company, the Lehigh Valley Railroad Company, and the Erie Railroad Company, as indicated by the signatures of their respective chief engineers upon specifications covering the substructural and paving work required to be performed for the construction of the complete viaduct and its supports pursuant to a determination of the Commission in the matter above entitled;

and upon the approval of the local authorities as similarly indicated by the approval signature on said specifications of the engineer for the Town of Cheektowaga and Village of Sloan, it is

Ordered: That said specifications be and they are hereby approved by this Commission except the clause entitled "Time Limit," the provisions of which as the Commission is informed can not be fulfilled.

[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petitions of THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA, Erie county; and the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SLOAN, Erie county, for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

Upon the recommendation of The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer on specifications covering the substructural work required to be performed for the construction of an undergrade crossing at Lovejoy street in the village of Sloan, pursuant to a determination of the Commission in the matter above entitled; and upon the approval of the local authorities as similarly indicated by the approval signature on said specifications of the village engineer, it is

Ordered: That said specifications, which it is understood cover work for the cost of which neither the State nor the village is financially responsible, be and they are hereby approved.

100 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5731]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the BUFFALO PRODUCE EXCHANGE, representing the Frontier Sand and Gravel Corporation and Squaw Island Sand and Gravel Corporation, complainants, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, respondent, as to proposed rate and carload minimum weight regulation applying in connection therewith on sand and gravel, in carloads, from North Tonawanda, N. Y., to Niagara Falls, N. Y.

Third
suspension
order.

In this matter, by orders dated October 11, 1916, and January 23, 1917, this Commission suspended a new rate and minimum weight regulation in certain tariffs of The New York Central Railroad Company pending investigation and determination of the matters involved; such investigation not having been finished, it is

Ordered: That the operation of the new rate and minimum weight regulation stated in the schedules contained in tariffs of The New York Central Railroad Company designated "The New York Central Railroad Company: supplement No. 3 to its P. S. C., 2 N. Y., N. Y. C. No. 2329, effective October 16, 1916; supplement No. 4 to its P. S. C., 2 N. Y., N. Y. C. No. 2329, effective October 30, 1916," which new rate and minimum weight regulation have the effect of increasing the carload rate and charge from North Tonawanda, N. Y., to Niagara Falls, N. Y., on sand and gravel, is hereby further suspended until April 1, 1917, such suspension deferring the operation of said new rate and minimum weight regulation stated in said tariffs on New York state traffic until April 1, 1917.

[Case No. 5846]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

Petition of NEWBURGH INDUSTRIAL CENTER, INC., under section 53, Public Service Commissions Law, for permission to construct, and approval of a franchise from the City of Newburgh to construct, a switch or switches and a siding or sidings in that city.

A petition under section 53, Public Service Commissions Law, having been filed with this Commission by Newburgh Industrial Center, Inc. (incorporated under the Business Corporations Law), for permission to construct in the southwestern section of the city of Newburgh railroad tracks which will be sidings connecting with and leading from the Erie railroad to various industrial plants which it is expected will be located in the future on

a tract of land owned by this petitioner adjoining the Erie railroad; and a public hearing on said petition having been held in the city of New York on January 26, 1917, at which the petitioner and the Erie Railroad Company were represented, and none others appeared; and an order having subsequently been entered making the Erie Railroad Company a party to this proceeding; and it appearing that the City of Newburgh has granted a franchise for the construction of the switch or switches and sidetrack or sidetracks described in the petition herein; and it appearing that the siding or sidings will cross streets hereinafter named; and it appearing that the actual construction will be done by the Erie Railroad Company, which will operate the siding or sidings which will be partly on its right of way; and this Commission hereby determining that such construction and exercise of said franchise will be convenient for the public service, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves construction at grade by the Erie Railroad Company of a railroad switch or switches and a railroad sidetrack or sidetracks from a point or points in the Erie railroad, in the southwestern section of the city of Newburgh, to and on nearby land of Newburgh Industrial Center, Inc.; and construction at grade of such sidetrack or sidetracks across Thomas avenue, Robinson avenue, Dickson street, and Renwick street, at one or more points on each of said avenues and streets to be determined in the future by the mayor and councilmen of the city; and hereby permits and approves the exercise by the Erie Railroad Company of a franchise for such construction and for maintenance and operation received from the mayor and councilmen of the City of Newburgh on January 8, 1917, copy of which franchise, certified by the city clerk to be a true copy, is filed with this Commission with the papers in this case; on condition, however, that each movement of a locomotive engine or car or cars across the avenues and streets hereinabove named shall be preceded by a flagman on foot to warn wayfarers on said avenues and streets; and on the further condition that such rules for such construction, maintenance, and operation, not inconsistent with the condition as to flagman herein imposed, as may be made in the future by the mayor and councilmen of the city shall be obeyed by the said Erie Railroad Company.

[Case No. 5334]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of JAMES T. LENNON, individually and as mayor of the City of Yonkers, against THE NEW YORK CENTRAL RAILROAD COMPANY, asking that the rates for commutation tickets and family tickets between the New York terminal and sections of the city of Yonkers be reduced.

The complaint in this case was filed with the Commission on January 25, 1916. It alleges that the rates for commutation and 50-trip family tickets between the city of Yonkers and New York city are unjust and unreasonable, and that the same should be reduced so they will not exceed the rates charged for similar distances on other roads out of New York city. The answer of the railroad company was duly filed on February 24, 1916. Since

that time numerous efforts have been made by the Commission to have the complainants proceed with the case, but without avail. Under the circumstances, it appearing that the complainants do not intend to proceed with the matter, it is

Ordered: That the complaint be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 5520]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54 of the Railroad Law for consent to the discontinuance of the maintenance of an agent at Lewiston Heights station on its railroad, on the southeasterly outskirts of the village of Lewiston.

The original petition in this case was presented to the Commission by The New York Central Railroad Company under section 54 of the Railroad Law, asking for the consent of the Commission for the discontinuance of the agency station now maintained by the petitioner on the Ontario division of its railroad at Lewiston Heights, Niagara county; after due hearing upon and consideration of said petition, an order was duly made herein by the Commission on the 20th day of June, 1916, denying said petition, but without prejudice to a renewal of the same after October 1, 1916; on the 13th day of November, 1916, the said petition herein was renewed, and hearings thereon were duly held by the Commission on the 22nd day of December, 1916, and the 12th day of January, 1917; on said hearings Mr. Maurice C. Spratt of Buffalo appeared as the attorney for the petitioner, and several of the officials of the railroad company also appeared in favor of said application; Mr. J. Boardman Scovell of Niagara Falls appeared as the attorney for the Board of Trustees and Board of Trade of Lewiston; Mr. A. H. Thibault of Niagara Falls appeared as the attorney for the Town Board of Lewiston; and Messrs. Alexander Porter, Andrew J. Nichols, and Fred S. Murray also appeared as officials of Lewiston; and Mr. Alfred W. Gray of Niagara Falls appeared as the attorney for the Lewiston Heights Company, the Mountain View Development Company, the Niagara Falls Country Club, and other interested parties. Considerable proof was taken on said hearings; and it must be said that the present business of the station does not bring to the railroad company sufficient income to justify the maintenance of an agency station at Lewiston Heights; but in considering the application herein there are other matters to be taken into account besides the mere income from business originating at Lewiston Heights. It clearly appeared from the proofs taken that the railroad which this station serves, when originally built through the town of Lewiston, received the financial aid of the town to the amount of a bond issue of more than \$200,000, and upward of \$70,000 of this indebtedness is still unpaid; that at that time it was agreed by the railroad company to forever maintain a station in Lewiston along the line of said road; subsequently the petitioner in this case became the owner of such railroad and has continuously maintained a station at Lewiston Heights, but by reason of other transportation facilities to and from Lewiston by steam railroad and trolley it now asks to be relieved from the

expense of maintaining an agent where in their judgment it is not justified. Since the previous hearing in this case, other things have occurred which now present the question in a different light; on such previous hearing the only questions presented were on behalf of those who reside at Lewiston and who asked for themselves and tourists coming and going to view the Niagara Gorge, all the conveniences that were required; but now it appears that the territory immediately contiguous to this railroad and consisting of more than one hundred acres of land has been plotted and is now in actual process of development as a country club, golf links, and a colony for summer homes of Niagara Falls and Buffalo people; representatives of the interests just mentioned appeared before the Commission at the hearings and made proofs of all of these facts, showing that there will be a necessity from such development for station facilities at Lewiston Heights; to be sure the railroad company guarantees that the only thing sought to be discontinued is the agent, and that the station will be kept clean, warm, and convenient for all passengers who desire to use the same, and that conveniences will be afforded on the trains for the purchase of tickets, the same as though bought at the station; but those who oppose this application insist that proper conveniences can not thereby be afforded the traveling public, because said station is at least one-half mile out of the village proper, where there is no police protection and where the assistance of some representative of the company should be on hand. Under all the circumstances of this case, it does not seem justifiable on the part of the railroad company to deny to the traveling public any convenience at this station which may reasonably be demanded, and we believe that a station agent should be continued at least until it may clearly be shown to the Commission that it is unnecessary. It is therefore

Ordered: That the petition be and the same hereby is denied.

[Case No. 5536]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the EAST BUFFALO
LIVE STOCK ASSOCIATION against THE NEW YORK
CENTRAL RAILROAD COMPANY, alleging inadequate
facilities.

This case was brought to the Commission upon the complaint of the East Buffalo Live Stock Association, alleging inadequate facilities and unsanitary conditions at the stock yards at East Buffalo which are maintained by the respondent; the answer of the respondent denied those allegations, and several hearings by the Commission followed, including a personal inspection of the stock yards' facilities and conditions by the Commissioner in charge; Hon. Henry W. Killen of Buffalo appeared as the attorney for the complainant, and Hon. Maurice C. Spratt of Buffalo appeared as the attorney for the respondent; without reciting the particular facts upon said hearings and inspection, it is sufficient to say that the respondent has voluntarily done work and planned improvements at said stock yards, including new drainage facilities, repair to pavements, adequate and sanitary appliances for feeding and watering of stock, additional means for weighing stock, extension of the roofing of sheds, making of new rules relating to business of the stock yards, and other improvements and additions, which

have all been accepted and agreed upon by the complainant as satisfying its complaint herein, except some little details with reference to such rules. And the attorney for the complainant having filed with the Commission a communication under date of February 24, 1917, wherein it is stated that this case may be closed upon the records of the Commission, with the privilege to reopen the same in case there should be disagreement as to any such improvements, it is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with the privilege however to the complainant of reopening this case upon showing that there is disagreement between the parties as to any of the matters above recited which requires action by this Commission.

[Case No. 5601]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the ROCHESTER CHAMBER OF COMMERCE against ERIE RAILROAD COMPANY and LEHIGH VALLEY RAILROAD COMPANY as to switch between their railroads in Rochester.

The complaint in this case made by the Rochester Chamber of Commerce was filed with the Commission on August 9, 1916; the complaint sets out, among other things, that the Erie Railroad and the Lehigh Valley Railroad maintain their freight terminals at points in the city of Rochester quite a distance apart, and that there are no interchange facilities for freight between these two railroads within the city of Rochester; and the Commission is asked to require such interchange facilities to be established at a point about three miles south of the center of said city, a point where the two railroads are close together and near the city line of Rochester and the Barge Canal of the State of New York; both the railroad companies have filed their answers herein with the Commission, and it appears therefrom that they claim that there is no necessity for a freight interchange between said railroads and that there is no demand therefor on the part of shippers or consignees in the city of Rochester; several hearings were held in this case by the Commission in the city of Rochester and the city of Albany, at which hearings Messrs. D. P. Chindblom, John P. Morse, and E. A. Fisher, all of Rochester, appeared on behalf of the complainant herein; Mr. Theodore H. Burgess of 50 Church street, New York, appeared as the attorney for the Erie Railroad Company, together with Messrs. Harry Wilson, assistant general agent, John D. Cummins, C. C. McCord, W. G. King, and others, on behalf of said company; Mr. R. W. Barrett of 143 Liberty street, New York, appeared as the attorney for the Lehigh Valley Railroad Company, together with certain officials of said company; considerable proof was taken in this case, largely of statistical data with reference to the commercial business and importance of the city of Rochester; some proof was also offered to show inconveniences in a few cases where freight had been misrouted upon one railroad or another and was finally delivered to the consignee after much tracing and delay, but there is an entire absence of proof of any demands made by any shipper or consignee in the city of Rochester which would tend to show any necessity for such interchange or any convenience which would be satisfied by its installation; it was stated by

the representatives of the complainant on the hearing that reliance was had in this case upon the decision made by the Commission in case No. 621, which involved interchange facilities between railroads in the city of Lockport; and the complainant insisted that the principle laid down in the Lockport case governs the questions involved here, and that to present the fact merely that the city of Rochester is a large commercial municipality containing many industries which necessarily ship and receive large quantities of freight, is entitled *per se* to have all the railroad systems in and about the city so connected that freight interchange facilities will be at hand when required, and no further proof of actual necessities or conveniences to be satisfied by shippers and consignees of freight is necessary in this case. The claims of the complainants in this case are not tenable under the Public Service Commissions Law; this Commission can not take official cognizance without proof of the existence of any requirements such as are invoked in this case; all the Commission can do in any case is to direct the railroad companies to install such facilities in cases of this kind as will meet the requirements of the public, and there is no way of ascertaining such requirements except through the channels provided by law whereby proof may be presented in such volume as to establish a public necessity in a given case; such proof is entirely wanting in this case. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed.

[Case No. 5654]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF ERICSSON AVENUE AND WECKER STREET, Buffalo, *against* IROQUOIS NATURAL GAS COMPANY, asking that the company lay pipes and furnish natural gas in said avenue and street.

The complaint in this case is signed by many residents of Ericsson avenue and Wecker street in the city of Buffalo, and asks the Commission to require the respondent, Iroquois Natural Gas Company, to extend its mains and service to said street and avenue which are located immediately east of Bailey avenue where the company already has its mains; the complaint is made under subdivision 2 of section 66 of the Public Service Commissions Law, and was filed with the Commission August 2, 1916; on the 15th day of August, 1916, the respondent filed its answer herein, which among other things alleges that it has no more gas for sale than it is now furnishing to its customers, and that it would be impracticable to make such extensions; several hearings have been held in this case in the city of Buffalo, at which hearings the petitioners have appeared in large numbers with their counsel, Mr. Asa M. Williams of Buffalo, N. Y., and the respondent has appeared by its officers and Mr. Lyman M. Bass, of the firm of Kenefick, Cooke, Mitchell and Bass, of Buffalo, its attorneys; the complainants are anxious to obtain such gas service and would be satisfied with service for the summer months only; the company declines to make the extensions requested, alleging as its reason that during the Summer it is conserving its gas supply for winter consumption; believing that this matter required something more than a mere formal hearing, the gas engineer of the Commission was instructed to make a careful investigation of the natural gas situation in Buffalo with

a view to determining whether or not it would be feasible under the present circumstances to direct the respondent to make the requested extensions; such investigation has been made, which appears to have been a very thorough one as shown by the report of the engineer filed with the papers in this case, and he has reached the conclusion and recommends to the Commission that for the present at least no further extension should be made of the gas service of the respondent, because to do so would involve inadequate service to such new customers as well as to the present users of such gas. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed, with the privilege however to any of said complainants herein, after June 1, 1917, if the Commission determines that circumstances justify the same, to renew their complaint in this case.

[Case No. 5708]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the TOWN BOARD AND SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF RIPLEY, Chautauqua county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY, and RECEIVER, BUFFALO AND LAKE ERIE TRACTION COMPANY, as to the protection at a crossing at grade of said railroads and a highway.

This case comes to the Commission upon the application of the town board and highway superintendent of the Town of Ripley, Chautauqua county, asking the Commission to investigate the conditions of the crossing of a public highway and the tracks of The New York Central Railroad Company, The New York, Chicago and St. Louis Railroad Company, and the Buffalo and Lake Erie Traction Company, and which is located at a hamlet called Forsyth, about three miles east of the village of Ripley; the petitioners also ask the Commission to properly protect such crossing on account of the immense volume of traffic at such point; separate answers have been filed herein by the three respondents; the Receiver of the Buffalo and Lake Erie Traction Company and The New York Central Railroad Company both deny that said crossing is dangerous or needs protection, while the respondent The New York, Chicago and St. Louis Railroad Company also denies that said crossing is dangerous, but offers to install at the crossing of said highway and said respondent's tracks a warning-bell of approved design. Upon the issues thus framed, the Commission held a hearing in this case in the city of Dunkirk on the 27th day of November, 1915, at which hearing Hon. Joseph A. McGinnies, supervisor of the Town of Ripley and attorney for the petitioners, appeared in their behalf; Mr. Maurice C. Spratt of Buffalo appeared as the attorney for The New York Central Railroad Company and The New York, Chicago and St. Louis Railroad Company; Mr. Thomas R. Wheeler, of the firm of Kenefick, Cooke, Mitchell and Bass, of Buffalo, appeared as attorney for the Receiver of the Buffalo and Lake Erie Traction Company; and several other residents of the town of Ripley appeared as interested parties herein. Certain proofs and proceedings were taken and had on said hearing, from which it satisfactorily appears that

The New York Central Railroad Company maintains four running tracks at the point in question, which are on the Erie division of its system, while The New York, Chicago and St. Louis Railroad Company maintains two tracks across said highway about seventy feet south of the Central tracks, and the traction company's single track electric line is about eighty feet south of the latter railway, and combined they make a crossing of said railroad tracks of about two hundred and thirty feet; the said highway crosses such tracks at the full width of four rods although only about thirty feet thereof is used for the roadway, and such crossing is substantially at right angles; the highway in question is the principal vehicle road between the city of Buffalo and the city of Erie; it is four rods wide as it comes from Buffalo to this crossing, and continues at the same width on the opposite side of the crossing as it goes on to Erie; there is a great amount of automobile traffic on said highway, not only for the people of those cities and intermediate territory, but for those traveling from a distance both east and west; it can not be said that this crossing is in any sense obscure, for there is a clear view of the tracks in both directions while one is upon the highway on either side of the crossing; but the angles in said highway as it turns abruptly across said railroad tracks make such crossing dangerous, particularly to those who are not familiar with the same; several fatal accidents have occurred at this point; it developed on said hearing that such highway is a state road and known as route No. 18, and the same has been surveyed and planned for improvement in the near future; and connected with such improvement it has been suggested that such crossing be changed to a point about one thousand feet away from its present location, and the highway carried under the tracks of the steam railroads at a point where the conformation of the land will conveniently accommodate such underpass; but until such permanent improvement is made, it is deemed best in the interest of public safety to provide some reasonable protection for the traveling public which is not now afforded; it has been urged to the Commission that there are many country road crossings of such railroad between the city of Buffalo and the state line, and that until there shall be a standardization of protection appliances at all of said crossings, this one should not be singled out for improvement; but such suggestion is fully answered by the statement that the highway in question is the main automobile road between Buffalo and Erie, and thus differs entirely from such other roads; and it has not been shown in this case that there is any other of such highways which have a crossing of said railroad tracks of the character here disclosed; and it may be also stated that the majority of such other country highway crossings are lateral roads rather than a main artery such as the one in question; it does not appear to the Commission that the crossing of the tracks of the Buffalo and Lake Erie Traction Company, of itself, is of such a character as to require any protection to the traveling public which is not already afforded by said company. Communications have been had since the hearing in this case between the Commissioner in charge, the counsel for the railroad company, and the supervisor of the Town of Ripley, concerning a proper adjustment of this case, because all of the interested parties were fully informed by the Commissioner that some measure of protection should be provided at such crossing; finally it has been proposed by the steam railroad companies that they will maintain a flagman at said crossing during the spring and summer months of the year, which offer has been accepted by the complainants as appears from the written communication under date of February 20, 1917, from Hon. Joseph A. McGinnies, the supervisor of said town and the representative of the complainants, which communication is filed with the papers in this case. It is therefore

Ordered: 1. That from the 1st day of April to the 15th day of November of each year, from and after the date hereof, the first of said periods commencing April 1, 1917, the respondents, The New York Central Railroad Company and The New York, Chicago and St. Louis Railroad Company, be and they hereby are required to station and continuously maintain a flagman at the grade crossing hereinabove mentioned and described and known as the Foisyth crossing, near the village of Ripley, Chautauqua county;

that said flagman shall be stationed and maintained by said railroad companies in such a manner as to adequately protect the crossings of both the railroads crossing said highway.

2. That pursuant to the requirements of section 23 of the Public Service Commissions Law, the said respondents, The New York Central Railroad Company and The New York, Chicago and St. Louis Railroad Company, shall within five days after the receipt of a copy of this order notify the Commission whether or not the same will be accepted and its terms and requirements complied with by them.

3. That the application herein relating to the Buffalo and Lake Erie Traction Company be and the same hereby is denied.

[Case No. 5710]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of L. C. HAMMOND
against THE NEW YORK CENTRAL RAILROAD COM-
PANY, THE NEW YORK, CHICAGO AND ST. LOUIS RAIL-
ROAD COMPANY, THE PENNSYLVANIA RAILROAD COM-
PANY, and RECEIVER, BUFFALO AND LAKE ERIE
TRACTION COMPANY, as to protection at a crossing at
grade of said railroads and a highway at a point
known as Hansfords crossings, about two miles east
of Silver Creek.

The complaint in this matter was filed with the Commission on the 9th day of August, 1916; at first the same was treated informally, and the inspector of the division of steam railroads took charge of said complaint and made an investigation thereof; it related to the crossing of a small country highway, known as Hansfords road, and the tracks of The New York Central Railroad Company, The New York, Chicago and St. Louis Railroad Company, The Pennsylvania Railroad Company, and the Buffalo and Lake Erie Traction Company, all being steam railroads except the latter; the complaint alleged that such crossing was used by automobiles to a considerable extent, that the approach is obstructed and has no protection of any kind; subsequently a formal case was made herein, and said complaint was served on all of said railroad companies, and answers were received from each of them; on the 27th day of November, 1916, the Commission held a hearing in this case in the city of Dunkirk, at which hearing Hon. Lester F. Stearns of Dunkirk appeared for the complainant, and several interested parties appeared also on behalf of the complaint herein; Mr. Maurice C. Spratt of Buffalo appeared on behalf of all of said steam railroads; and Mr. Thomas R. Wheeler of Buffalo, of the firm of Kenefick, Cooke, Mitchell and Bass, appeared for the Receiver of the traction company; considerable proof was taken on said hearing as to the physical condition of said crossing, and subsequently the Commissioner in charge, pursuant to a stipulation of all the parties, made a personal inspection thereof; from all such proofs and proceedings it satisfactorily appears that at this point each of said railroads consists of one track only except the New York Central railroad, which consists of four tracks; the crossing of the highway is at right angles with the railroad tracks, and runs from the state highway to the lake shore, where

is located a summer colony of people who reside at Silver Creek and spend the summer months at said colony; there is considerable travel over this crossing during the day and evening throughout the Summer by the people who maintain summer homes there and their visitors, although there is no other traffic of any account on said highway at any time during the year; such crossing is located in practically an open country, where from any point on the crossing or either side thereof may be seen an approaching train for a great distance each way, and there is no apparent reason why an ordinarily prudent person should require assistance in the matter of safely crossing such tracks. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed.

[Case No. 5727]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOS P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF KIRKPATRICK STREET, BUFFALO, *against* IROQUOIS NATURAL GAS COMPANY, asking that the company lay pipes and furnish natural gas in said street from the main on Bailey avenue.

This case comes to the Commission upon the complaint of residents of Kirkpatrick street in the city of Buffalo, asking that the Iroquois Natural Gas Company be required to extend its mains and service of gas to the residents of said street; Kirkpatrick street lies immediately east of Bailey avenue where the respondent already has existing mains for its gas service; the complaint was made under subdivision 2 of section 66 of the Public Service Commissions Law, and was filed with the Commission October 4, 1916, and is numerously signed by residents of said street; the answer of the respondent was filed with the Commission October 28, 1916, and alleges that it has on file the applications of many residents of the counties of Erie and Chautauqua through which its lines run asking for extensions of its mains and gas service, which were presented to the respondent prior to the application of the complainants herein, and that having due regard for adequate service to the present customers of the respondent it has declined to make the extension asked for herein; several hearings have been held in the city of Buffalo in this case, and the case has been considered along with case No. 5654 and other cases involving the same questions. Now, upon the facts recited and the reasons stated in the order made this day by the Commission in case No. 5654, it is hereby

Ordered: That the complaint herein be and the same hereby is dismissed, with the privilege however to any of said complainants herein, after June 1, 1917, if the Commission determines that circumstances justify the same, to renew their complaint in this case.

[Case No. 5733]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman.
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the CITY OF LOCKPORT *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking that safety gates be erected at the Hawley Street and Caledonia Street grade crossings with the Falls branch of said company's railroad.

This is an application on behalf of the City of Lockport to require The New York Central Railroad Company to install safety gates at Hawley and Caledonia streets, in the city of Lockport; the complaint herein was filed with the Commission October 10, 1916; the answer of the respondent was filed with the Commission November 6, 1916; and hearings have been duly held by the Commission in this case on December 22, 1916, January 3, 20, and 26, 1917; besides these hearings, the Commissioner in charge, in the presence of all the interested parties, made a personal inspection of the crossings in question, under a stipulation that such personal view should be taken and considered as evidence in this case; on said hearings Messrs. Roy H. Ernest and William A. Gold of Lockport appeared as counsel for the complainant; and Mr. Maurice C. Spratt of Buffalo appeared as the attorney for the respondent, together with several of the officials of the railroad company, who opposed said application; the proof in this case discloses the fact that the Lockport branch of the railroad tracks of the respondent cross Hawley street substantially at right angles, while Caledonia street runs almost parallel with said tracks in an easterly and westerly direction and comes to said crossings at an acute angle; there is now maintained at said crossings a flagman who is on duty day and night, and takes care of said crossings in a satisfactory manner; it has been urged upon the Commission that because there are several hundred school children who daily cross the tracks at Hawley street to and from the schoolhouse which is located immediately north of the tracks and west of Hawley street, adequate protection requires the installation of gates at that point; from all the proof taken in this case, including the personal observations of the Commissioner in charge, it must be determined that a flagman at this particular point to warn pedestrians of approaching trains is far more efficacious than silent gates through or under which little children might pass; the only point which impresses the Commission as possessing an element of danger where some measure of protection might properly be installed is at the angle of Caledonia street as it approaches the tracks on the way to Hawley street; but at this point even there is no danger for an ordinarily prudent person, for by exercising care while approaching the crossing a full view of the tracks from this point, both east and west, may be had for many hundred feet; a discussion was had at the hearing with reference to connecting a single-arm gate for said angle at Caledonia street with the gate apparatus which is now being operated by the respondent at the street next east, about four hundred feet away, but the objection was made that the operation of such an apparatus would not be feasible or safe because with the tower necessarily located between the two points where the gates were placed it could not be observed whether the streets were clear and therefore the gates might be lowered upon some person or vehicle; we are still of the opinion that some safety appliance along the lines suggested could

very well be devised, although at this time the Commission does not feel justified in requiring the installation of gates at the crossings complained of. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed.

[Case No. 5775]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF DURHAM AVENUE, BUFFALO, *against* IROQUOIS NATURAL GAS COMPANY, asking that the company lay pipes and furnish natural gas in said avenue.

This case comes to the Commission upon the complaint of residents of Durham avenue in the city of Buffalo, asking that the Iroquois Natural Gas Company be required to extend its mains and service of gas to the residents of said avenue; the complaint was made under subdivision 2 of section 66 of the Public Service Commissions Law, and was filed with the Commission in November, 1916, and is numerously signed by residents of said avenue; the answer of the respondent was filed with the Commission on December 5, 1916, and alleges that it has on file the applications of many residents of Erie and Chautauqua counties through which its lines run asking for extensions of its mains and gas service, which were presented to the respondent prior to the application of the complainants herein, and that having due regard for adequate service to the present customers of the respondent it has declined to make the extension asked for herein; several hearings have been held in the city of Buffalo in this case, and the case has been considered along with case No. 5654 and other cases involving the same questions. Now, upon the facts recited and the reasons stated in the order made this day by the Commission in case No. 5654, it is hereby

Ordered: That the complaint herein be and the same hereby is dismissed, with the privilege however to any of said complainants herein, after June 1, 1917, if the Commission determines that circumstances justify the same, to renew their complaint in this case.

[Case No. 5776]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of ALLEN BROTHERS AND OTHERS of the town of Pike, Wyoming county, near Gainesville, *against* NEW YORK TELEPHONE COMPANY, asking that telephone service be furnished.

This matter is presented to the Commission upon the complaint of Allen Brothers and three other residents of the town of Pike who are farmers and

live along the highway connecting the Pike Corners road and the Center road in said town; such connecting road is about two miles long and only four families are located on said road; there is no telephone service along said road, although the respondent maintains its main line out of the Bliss central office along said Pike Corners road to the hamlet of Pike, and also maintains a telephone service along the Center road in said town; from the junction of Pike Corners road and the road on which the complainants live, it is about two-tenths of a mile to the first proposed customer; then comes Allen Brothers who are six-tenths of a mile from said corner; next is another farmer nine-tenths of a mile away; and lastly, the fourth proposed customer lives a mile and two-tenths from the Pike Corners road; the business of these four families is all that could be obtained by the respondent if such extension were made between the Pike Corners road and the Center road, although there are some possible customers a little farther on. The respondent is willing to make such extension and furnish telephone service to the complainants on condition that the company shall be reimbursed for the cost of the necessary poles and the hauling and setting of the same, which in the judgment of the company would amount to more than three hundred dollars; this item the complainants refuse to pay, but are willing to haul and set the poles for such extension line provided the company furnishes the poles; all of these facts were brought out at a hearing in this case held by the Commission in the city of Buffalo on the 5th day of January, 1917, at which hearing Millard Allen of Pike, one of the complainants, appeared in person; Mr. C. A. Spaulding of Buffalo, division general manager, and Mr. B. Franklin Briggs of 15 Dey street, New York city, attorney, both appeared on behalf of the respondent. The tariff schedules of the respondent now on file with the Commission, as the same relate to rural pole line construction and service, provide that in case the cost of furnishing service is unusually high the subscribers will be required to pay a proportionate part of the cost of construction in addition to the annual subscription rates; and the further specific requirement is contained in such schedules that subscribers shall contribute toward the cost of building the necessary pole line on a public highway, whenever the cost of such pole line is excessive compared with the revenue which the company receives, and that each case must be determined on its individual merits; these tariff provisions appear to be reasonable and especially applicable to this case; the estimate of the respondent for initial expenditures for the proposed extension is the sum of five hundred twenty-nine dollars, while the telephone rates for each of such subscribers will be fifteen dollars a year. Since the hearing in this case the matter has been examined by the chief of the division of telegraphs and telephones, and he has recommended, in writing, that the said extension be ordered by the Commission, on condition that all of said four complainants become subscribers for telephone service and also pay to the respondent the sum of sixty dollars as the contribution of such subscribers to the cost of such line extension; this recommendation seems to reasonably dispose of the dispute between the parties in this case. It is therefore

Ordered: 1. That the respondent, New York Telephone Company, be and it hereby is directed to construct an extension of its telephone line and service along the highway connecting the Pike Corners road and the Center road in the town of Pike, Wyoming county, which extension is for the purpose of giving telephone service to the four complainants herein who live along said connecting highway; that said construction be completed and such telephone service given to the complainants herein on or before the 15th day of May, 1917, through a connection with the exchange of the respondent at Bliss.

2. This order is made upon the express condition that before any work upon said extension shall be required of the respondent, the said four complainants herein shall become subscribers for such telephone service at the rate and pursuant to the rules prescribed by the respondent, and shall also pay or cause to be paid to the respondent the sum of sixty dollars, in cash, as the contribution of said subscribers to the initial cost of building said pole line for such extension service.

3. That each of the parties to this proceeding shall, on or before the 10th day of March, 1917, file with the Commission a notice, in writing, which shall state whether or not the order herein is accepted and will be obeyed by said respective parties.

[Case No. 5818]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of NELSON C. SPENCER, President of the Board of Education of School District No. 1, town of East Hamburg, Erie county, against RECEIVER, BUFFALO SOUTHERN RAILWAY, asking that the receiver (1) establish a just and reasonable rate upon 46-ride school tickets between Orchard Park Junction and vicinity and Orchard Park; (2) grant a rebate upon unused school tickets; (3) issue 46-ride school tickets on any day of the month, said tickets to expire thirty days from the date of issue.

The complaint in this case was filed with the Commission on or about the 11th day of December, 1916, and alleged that the complainant represented the Board of Education of Union Free School District No. 1 of the town of East Hamburg, which under the law of the State provides transportation for certain school children coming from outlying territory embracing several hamlets and villages, and that the present system of the respondent in using commutation and school children's tickets is unreasonable and unjust and should be changed by the Commission; the answer of the respondent was filed with the Commission December 29, 1916, and alleged that such tickets were issued and sold by the respondent in accordance with a schedule of rates filed with the Commission in June, 1911, that the same are reasonable and just, and asking that the case be dismissed; hearings by the Commission were duly held in the city of Buffalo on the 19th and 26th days of January, 1917, at which hearings Mr. Nelson C. Spencer appeared in person and by attorney, on behalf of the complainant; and Mr. Nelson A. Bundy, Receiver of the respondent, also appeared in person and by attorney; and certain proofs and proceedings were taken and had whereby it appears to the Commission that the commutation and school children's tickets now issued and sold by the respondent to the complainant are in accordance with the schedule of rates on file with the Commission, but that the respondent is willing to amend such schedule by providing that 46-trip school tickets will be sold, good for 30 days from the date of issue instead of the calendar month as previously limited, and also to provide for the sale of such tickets between additional points, and that the respondent would put said new rates into effect immediately upon receiving special permission from the Commission; this permission has been granted by the Commission, and the respondent has filed a new tariff schedule showing such changes, to be effective February 15, 1917; this arrangement entirely satisfies the complaint and such announcement was made to the Commission at said last mentioned hearing. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5839]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the TOWN BOARD OF THE TOWN OF WHEATLAND, Monroe county, and the BOARD OF TRUSTEES OF THE VILLAGE OF SCOTTSVILLE, Monroe county, *against* TRI-COUNTY NATURAL GAS COMPANY, alleging inadequate supply of natural gas to the public of the town of Wheatland and the village of Scottsville.

The complaint in this case was made by the municipal authorities of the Town of Wheatland and the Village of Scottsville against the Tri-County Natural Gas Company, and was filed with the Commission December 26, 1916; the complaint alleges that the respondent is not giving its consumers in said town and village an adequate supply of natural gas: the answer of the respondent was filed with the Commission January 4, 1917, and among other things alleges that it has no plant of its own but purchases all of its natural gas at wholesale from the Pavilion Natural Gas Company, which latter company has failed to maintain a proper pressure and furnish sufficient gas to the respondent pursuant to a written agreement therefor existing between said companies; at the same time the Tri-County company filed a complaint against the Pavilion company, which is case No. 5857, and alleged that it was because of the failure of the Pavilion company to maintain such pressure and furnish such gas that the Tri-County company was unable to adequately serve its customers; the two cases were heard together by the Commission in the city of Buffalo on the 19th day of January, 1917, at which hearing Mr. George Y. Webster of Rochester appeared as the attorney for the complainants; Hon. Daniel J. Kenefick, of the firm of Kenefick, Cooke, Mitchell and Bass, of Buffalo, appeared for the Tri-County Natural Gas Company; and Mr. Albert J. Waterman, of the firm of Stedman and Waterman, of Batavia, appeared for the Pavilion Natural Gas Company; various other interested parties appeared at said hearing; and it appeared satisfactorily to the Commission that the Tri-County company was not at fault with reference to the poor service of gas in Wheatland and Scottsville, but that such inadequacy was chargeable to the low pressure and insufficient supply from the outlet for said gas at the LeRoy governor station of the Pavilion Natural Gas Company; an order has been made by the Commission in case No. 5857 requiring the maintenance of a fifteen-pound pressure by the Pavilion Natural Gas Company at said outlet, which is expected to relieve the situation by providing such regulation and supply of the gas coming to the Tri-County company as will satisfy the complaints herein. It is therefore

Ordered: That the complaints herein be and the same hereby are dismissed, with the privilege however to either of said complainants to renew said complaints at any time in the future, if and when the Commission determines that circumstances justify the same.

[Case No. 5840]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY under section 53 of the Public Service Commissions Law for permission to exercise a franchise or right from the Supreme Court allowing it to lay (at grade) across a highway south of its Farmersville station (Cattaraugus county) a single track of an existing siding which it proposes to continue some distance farther than its present termination.

The petitioner herein, Buffalo, Rochester and Pittsburgh Railway Company, now maintains a running track of its railroad across the highway next south of its station at Farmersville, Cattaraugus county, and has a sidetrack on the easterly side of such main track which ends some distance north of such highway, and that in order to properly serve the industries on the easterly side of said railroad it is necessary to extend such siding in a southerly direction to and across said highway; the town board of said Town of Farmersville on the 21st day of December, 1916, granted a franchise to the petitioner authorizing the construction and maintenance of said sidetrack in a straight line across said highway, which should be so located that the center of said sidetrack should be thirteen feet from the center of said main track; and subsequently, and on the 29th day of January, 1917, an order of the Supreme Court of the State of New York was duly granted, authorizing the petitioner to extend such sidetrack parallel to said main track over and across said highway; a hearing was duly held by the Commission herein in the city of Buffalo on the 12th day of February, 1917, at which hearing Mr. John S. Rockwell appeared as the attorney and general agent of the petitioner; and such proofs and proceedings were had so that all the facts above recited were duly presented to the Commission; and the said franchise granted by the town board of the Town of Farmersville dated December 21, 1916, said order of the Supreme Court of the State of New York dated January 29, 1917, and a map of said location showing such crossing, were all presented as exhibits in this case and filed with the papers herein; a representative of the State Commission of Highways appeared and asked that the petitioner stipulate in this case that if and when the State Commission of Highways proceeds to the improvement of said highway and carries the same over and under the said railroad tracks, the Buffalo, Rochester and Pittsburgh Railway Company will duly participate in the expense of such improvement; Mr. Rockwell, on behalf of the petitioner, made such stipulation which was duly entered in the minutes of said hearing. And from all of such papers, proofs, and proceedings, it being hereby determined that the construction of said siding across said highway, and in the manner and to the extent provided for in said franchise of the town board and order of the Supreme Court, and the exercise of said franchise therefor, are necessary and convenient for the public service, it is therefore

Ordered: 1. That permission and approval are hereby given to the petitioner, Buffalo, Rochester and Pittsburgh Railway Company, to lay, construct, maintain, and operate an extension of its present sidetrack to and across the public highway next southerly from its Farmersville station, pursuant to and in accordance with the plans for such sidetrack crossing presented to and filed with the Commission at the hearing herein, and that said crossing be at grade.

2. That permission and approval are hereby given to the said petitioner, Buffalo, Rochester and Pittsburgh Railway Company, to exercise all the rights and privileges conferred by the said franchise so granted to the said railway company by the town board of the Town of Farmersville and dated December 21, 1916, and pursuant to and in accordance with the said order of the Supreme Court dated January 29, 1917, copies of which franchise and order are filed with the papers in this case.

[Case No. 5844]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the PRESIDENT AND TRUSTEES OF THE VILLAGE OF BERGEN, Genesee county, *against* CHURCHVILLE OIL AND NATURAL GAS COMPANY as to the company making a "readiness to serve" charge.

The complaint in this case is made by the Village of Bergen on behalf of its inhabitants who are customers of the respondent, Churchville Oil and Natural Gas Company, and it is alleged that the respondent is making an unreasonable and unlawful ready to serve charge against its customers, which charge is enforced against most of said customers for the only reason that the respondent does not furnish gas to them in billable quantities, although all of said customers are anxious to receive and use such gas for fuel and lighting purposes; at a hearing held by the Commission in the city of Buffalo on the 12th day of February, 1917, the complainants appeared by Mr. Edward N. Heath, corporation counsel of the Village of Bergen; and Mr. Frank B. Barnard, president of the respondent, also appeared; the proof taken clearly shows that the respondent has installed a ready to serve charge to its customers in the Village of Bergen, which charge is contained in the schedule of rates filed by the respondent with this Commission, and that such charge is being made and collected by the respondent; it also appears from said proof that during the severe cold weather the respondent has failed to furnish gas to its customers in the village of Bergen in such a supply or with such pressure as to meet their requirements, and in many cases it has been impossible for such customers to obtain gas at all for domestic purposes; the result has been that the arbitrary charge of the respondent for a readiness to serve has been collected from customers who were ready to receive such gas but could not get it; and under such circumstances such penalty is clearly unreasonable, and in this conclusion the respondent concurs. It is therefore

Ordered: That the respondent, Churchville Oil and Natural Gas Company, be and it hereby is ordered and directed to immediately discontinue the making and enforcing of said ready to serve charge to its customers in the village of Bergen, and refrain from making such charge until the further order of this Commission.

[Case No. 5857]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of TRI-COUNTY NATURAL GAS COMPANY *against* PAVILION NATURAL GAS COMPANY as to failure of the last named company to furnish the first named company with sufficient natural gas as provided in a contract between them, and as to pressure at which it is furnished.

The complainant, Tri-County Natural Gas Company, is a domestic corporation organized under the laws of the State of New York, having its principal office in Caledonia, and is engaged in the business of distributing and supplying natural gas to the inhabitants of the towns of Wheatland and LeRoy, and the villages of Caledonia and Scottsville; the respondent, Pavilion Natural Gas Company, is a corporation of like character, having its principal office in the village of LeRoy, and is engaged in the business of producing, distributing, and supplying natural gas to the inhabitants of various municipalities in Western New York; the complainant is a customer of the respondent under and pursuant to the terms of a written contract between said companies whereby the respondent agrees to sell and deliver at wholesale 500,000 cubic feet of natural gas each day, which is received by the Tri-County company and distributed to its customers as aforesaid; the relations between the two companies, in so far as the power and attitude of the Commission is concerned, are identical to the relations between the gas company and its individual customer; under subdivision 1 of section 65 of the Public Service Commissions Law, the respondent is required to furnish safe and adequate service; and under subdivision 3 of the same section it is also prohibited from subjecting the complainant to any undue or unreasonable disadvantage; subdivision 2 of section 66 of that law authorizes the Commission to order such reasonable improvements as will best promote the public interest, preserve the public health, and protect those using gas; and subdivision 3 of the same section authorizes the Commission to prescribe the pressure at which gas shall be delivered; subdivision 5 of the same section empowers the commission to determine and prescribe the safe, efficient, and adequate property, equipment, and appliances to be used for the security and accommodation of the public. In case No. 5839 a complaint was made by the town board of the Town of Wheatland and the board of trustees of the Village of Scottsville against the Tri-County Natural Gas Company, alleging inadequate supply of natural gas to the consumers of said town and village; the answer of the Tri-County company in the last mentioned case alleged that it had no plant of its own but obtained its gas from said Pavilion company pursuant to the contract above mentioned, but that during the period covered by said last mentioned complaint the Pavilion company had failed to furnish sufficient gas at such a pressure as to give adequate service to its customers. A hearing was duly held by the Commission in the city of Buffalo on the 19th day of January, 1917, at which hearing Hon. Daniel J. Kenefick, of the firm of Kenefick, Cooke, Mitchell and Bass, of Buffalo, appeared as the attorney for the Tri-County Natural Gas Company; and Mr. A. M. Wellman of Caledonia, the president, and Mr. A. G. Baker of Caledonia, the superintendent, also appeared for the Tri-County Natural Gas Company; Mr. George Y. Webster of Rochester appeared for the Town of Wheatland and Village of Scottsville; and Mr. Albert J. Waterman, of the firm of Stedman and Waterman, of Batavia, appeared for the Pavilion Natural Gas Company; several other interested

parties also appeared at said hearing; and all of the facts above recited were then brought out, and it also satisfactorily appeared that there was a shortage of gas at the wells of the Pavilion company, but that the service to the Tri-County company could be improved by requiring the Pavilion company to set the outlet of the regulator at its LeRoy governor station, which supplies the Tri-County company, at a minimum pressure; subsequently the gas engineer of the Commission made a study of the situation above described and has made his written report thereon, which is filed with the papers in this case, in which report the testimony taken on said hearing with reference to said pressure is confirmed. It is therefore

Ordered: 1. That the respondent, Pavilion Natural Gas Company, shall on or before the 10th day of March, 1917, set the outlet of the regulator at its LeRoy governor station, from which the supply of gas to the complainant, Tri-County Natural Gas Company, is delivered, at a pressure of fifteen pounds to the square inch.

2. That on or before the 5th day of March, 1917, the Pavilion Natural Gas Company be and hereby is required to notify this Commission, in writing, of the acceptance of this order and whether or not the terms thereof will be complied with.

[Case No. 5880]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of February, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of RESIDENTS OF PROSPECT STATION, Chautauqua county, *against* THE PENNSYLVANIA RAILROAD COMPANY as to proposed discontinuance of the services of an agent at said station.

This case comes to the Commission in the most peculiar way: in the first instance, the matter was brought to the attention of the Commission by the complaint of J. T. Barnes and many others who reside near and do business at the station of the Pennsylvania railroad known as Prospect, protesting against the proposed discontinuance of the agent at said station; immediately the representatives of The Pennsylvania Railroad Company were communicated with, and it was found that their attitude in regard to this matter was that the company had the right to discontinue such agent without the authority of the Commission, provided the conveniences for freight and passenger traffic were continued, but they agreed to maintain such agent until the necessity therefor could be heard and determined by the Commission: accordingly a hearing was held by the Commission in the city of Buffalo on the 9th day of February, 1917, at which hearing Mr. Frank Rumsey, as attorney, and other representatives of The Pennsylvania Railroad Company, appeared; but the representative of the complainants sent word that it would be inconvenient for him to appear at that time; considerable proof was taken as to the economies involved, and it clearly appears therefrom that the business of said station alone does not justify the expense of maintaining an agent; the respondent at said hearing announced its intention to discontinue the employment of such agent but to continue to maintain such station for passenger and freight traffic, and to keep the same open from the time of the arrival of the first passenger train in the morning until the departure of the last passenger train at night, to have such station in the hands of a caretaker living nearby who will keep it clean and lighted at all proper

hours, and take charge of freight shipments through Westfield office only three miles away; for the purposes of the record only, and without receding from the position taken by the railroad company with regard to its right to discontinue such station agent, the respondent put upon the record an application to the Commission for authority to discontinue said agent; in order that the complainants might be afforded an opportunity to present their case herein, an adjournment was taken until February 16, 1917, of which the complainants had due notice; on said last mentioned day a representative of the complainants appeared before the Commission and announced a withdrawal of their objections to the proposed action of the railroad company; and the Commission has also received a communication from said J. T. Barnes dated February 15, 1917, which is filed with the papers in this case, making the announcement that the objections heretofore filed are withdrawn. It is therefore

Ordered: That The Pennsylvania Railroad Company be and it hereby is authorized to forthwith discontinue the employment and maintenance of an agent at its railroad station known as Prospect, Chautauqua county; but the said station shall be maintained for the accommodation of passenger and freight traffic until the further order of this Commission; said station shall be kept open from the time of the arrival of the first passenger train in the morning until the departure of the last passenger train at night; said station shall be kept warm, clean, and lighted at all proper hours; and the freight shipments to and from said station shall be cared for by a representative of the railroad company, and such freight shall be billed and handled through the Westfield office of the railroad company.

Special Permission Tariffs, February, 1917.

No. 6407; February 2, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date February 1, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local commodity tariff applying on Excelsior Wood, in carloads, minimum twelve cords, from Mountain View, N. Y., and Malone, N. Y., to Herkimer, N. Y., at rate of one dollar and eighty-four cents per cord.

Completed by P. S. C., N. Y. C. No. 3090, effective February 10, 1917.

No. 6408; February 3, 1917; Lehigh Valley Railroad Company:

Ordered: That under its application of date February 2, 1917, the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed in the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local freight tariff of switching charges at Auburn, N. Y., said tariff to cancel its P. S. C., 2 N. Y., No. D-3128, reissuing the matter contained therein without change except to add the Cayuga Tool Steel Company, Ltd., on the same basis as now shown in said tariff, P. S. C., 2 N. Y., No. D-3128, for the Auburn Iron Company.

Completed by P. S. C. No. D-3350, effective February 10, 1917.

No. 6409; February 3, 1917; New York, Ontario and Western Railway Company:

Ordered: That under its application of date February 2, 1917, the New York, Ontario and Western Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on

not less than five days' notice and under an effective date not earlier than March 1, 1917, a supplement to its tariff of Exceptions to Official Classification, P. S. C., 2 N. Y., No. 3880, said supplement to establish the following ratings on Milk, Condensed or Evaporated (liquid), in metal cans, in crates, barrels, or boxes: less than carloads, Rule 26; carloads, 5th class.

Completed by supplement No. 1 to P. S. C. No. 3380, effective March 1, 1917.

No. 6410; February 6, 1917; The Delaware and Hudson Company:

Ordered: That under its application of date February 5, 1917, The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a supplement to its tariff P. S. C., 2 N. Y., No. 3112, commodity rates applying in both directions between stations on its line, said supplement to add to list of articles Hay and Straw at rate class "L" and weight group 9, and to establish mileage rates for rate class "L" as shown in exhibit attached to said application and hereby made part of this order; also a supplement to its tariff P. S. C., 2 N. Y., No. 3292, Exceptions to Official Classification, said supplement to erase Hay and Straw as articles taking group No. 157, and to cancel rating applying to group No. 157. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplement No. 15 to P. S. C. No. 3112, and supplement No. 6 to P. S. C. No. 3292; effective February 9, 1917.

No. 6411; February 6, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date February 5, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date not later than February 15, 1917, a supplement to tariff P. S. C., 2 N. Y., No. 1298, Exceptions to Official Classification, said supplement to cancel from supplement No. 2 the following items: 210-A, 215-A, 220-A, 260-A, 265-A, 300-A, 302, 302-A, 303, 303-A, 304, 507, 515-A, 715-A, and 737, filed to take effect February 15 and March 17, 1917, and to issue superseding items operating to restore in force and effect items 210, 215, 220, 260, 265, 300, 515, and 715, as shown in original tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 4 to P. S. C. No. 1298, effective February 15, 1917.

No. 6412; February 2, 1917; Penn Yan and Lake Shore Railway:

Ordered: That under its application of date February 1, 1917, the Penn Yan and Lake Shore Railway be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days from the date of this order, a tariff of

car demurrage rules, said tariff to establish the uniform code of car demurrage rules as adopted by the American Railway Association, with increased per diem charges to apply until May 1, 1917, as authorized by the Interstate Commerce Commission in its order of date November 29, 1916, and thereafter with standard per diem charges to apply in accordance with the uniform code. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. This permission is limited strictly to its terms, and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by P. S. C. No. 3, effective February 15, 1917.

No. 6413; February 8, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and its leased line, the West Shore Railroad:

Ordered: That under application of date February 8, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and its leased line, the West Shore Railroad, be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, effective February 8, 1917, supplements to New York Central passenger tariff P. S. C., 2 N. Y., N. Y. C. No. 216, and West Shore Railroad P. S. C., 2 N. Y., W. S. No. 89, said supplements to provide that return portions of tickets issued to Oneonta, N. Y., and return, account of New York State Grange-Patrons of Husbandry, reading via Southern New York Power and Railway Company to Herkimer and thence New York Central or West Shore to destination, will be honored via The Delaware and Hudson Company to Sidney, New York, Ontario and Western railway Sidney to Utica, and thence New York Central or West Shore to destination.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 216, and supplement No. 1 to P. S. C. W. S. No. 89; effective February 8, 1917.

No. 6414; February 9, 1917; The Delaware and Hudson Company:

Ordered: That under its application of date February 8, 1917, The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a supplement to its local freight tariff on Hay and Straw, in carloads, P. S. C., 2 N. Y., No. 3328, said supplement to cancel said tariff, referring for future rates to tariff P. S. C., 2 N. Y., No. 3112.

Completed by supplement No. 1 to P. S. C. No. 3328, effective February 12, 1917.

No. 6415; February 9, 1917; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application of date February 6, 1917, The New York, New Haven and Hartford Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than fifteen days' notice and to become effective not earlier than March 1, 1917, a supplement to its tariff of car demurrage rules. P. S. C., 2 N. Y., No. X-11, said supplement to cancel section C of Rule 5, the effective date of which, as to New York State traffic, is under postponement until April 26, 1917, as shown in supplement No. 6 to said tariff.

Completed by supplement No. 9 to P. S. C. No. X-11, effective March 3, 1917.

No. 6416; February 10, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date February 9, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and

east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and within thirty days from the date of this order, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 275, said supplement to correct typographical error in rate shown on page thirty from Shortsville, N. Y., to points of destination taking station index Nos. 1 to 43 inclusive, changing same from 10 to 10.5 cents per hundred pounds.

Completed by supplement No. 6 to P. S. C. N. Y. C. No. 275, effective February 23, 1917.

No. 6417; February 10, 1917; The Delaware and Hudson Company:

Ordered: That under its application of date February 10, 1917, The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a commodity tariff, said tariff to apply on Anthracite Coal Dust and Anthracite Coal Screenings, in carloads, minimum weight thirty tons of twenty-two hundred and forty pounds each, and provide rate of sixty cents per twenty-two hundred and forty pounds from Delano Junction, N. Y. (to apply on shipments loaded at Alexandria and Academy sidings), to Port Henry, N. Y.

Completed by P. S. C. No. 3335, effective February 14, 1917.

No. 6418; February 13, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application of date February 10, 1917, The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a commodity tariff on Milk, Skimmed Milk, Buttermilk, Pot Cheese, Cream, and Condensed Milk, applying from and to stations on the Pennsylvania railroad, said tariff to supersede M. & C. P. S. C., 2 N. Y., No. 5, and establish the rates, rules, and regulations as set forth in exhibit attached to said application and which is hereby made a part of this order.

Completed by M. & C. P. S. C. No. 8, effective February 19, 1917.

No. 6419; February 13, 1917; Hendrick S. Holden and C. Loomis Allen, Receivers, Empire United Railways, Inc.:

Ordered: That under the three applications of date February 12, 1917, Hendrick S. Holden and C. Loomis Allen, Receivers, Empire United Railways, Inc., be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days from the date of this order, joint freight tariffs of class and commodity rates applying on less than carload shipments as follows: (a) From points on the line of the Empire United Railways, Inc., in connection with the Rochester, Syracuse and Eastern railroad and Buffalo, Lockport and Rochester railroad to points on the International railway; (b) from points on the Syracuse, Lake Shore and Northern railroad in connection with the Rochester, Syracuse and Eastern railroad and the Buffalo, Lockport and Rochester railroad to points on the International railway; and (c) from points on the Rochester, Syracuse and Eastern railroad in connection with the Buffalo, Lockport and Rochester railroad to points on the International railway; said tariffs to establish the rates, rules, and regulations as set forth in copies of proposed tariffs as exhibits attached to said applications and which exhibits are hereby made a part of this order.

Completed by P. S. C. Nos. 32, 33, and 34, effective February 23, 1917.

No. 6420; February 14, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and its leased line, the West Shore Railroad:

Ordered: That following action of the Interstate Commerce Commission and under application of date February 14, 1917, The New York Central

Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and its leased line, the West Shore Railroad, be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue February 14, 1917, supplements to freight tariffs of rules governing deliveries of freight at New York, Brooklyn, etc., and lighterage and terminal regulations in New York harbor, P. S. C., 2 N. Y., N. Y. C. No. 2483, and P. S. C., 2 N. Y., W. S. No. 667, said supplements to postpone until June 15, 1917, the following: As to New York Central tariff P. S. C., 2 N. Y., N. Y. C. No. 2438, (a) the effective date of the changes in storage charges at Thirty-third Street, Forty-second Street, and Sixtieth Street, New York city, published in supplement No. 21 to said tariff, in Rules 6 and 7 on page 4 thereof, and shown as reissued items in supplement No. 22; (b) the effective date of the changes in free time allowance on freight other than export freight published in supplement No. 21 to said tariff, in Rules 3 and 4 on pages 2 and 3 thereof, and shown as reissued items in supplement No. 22; (c) the effective date of the changes in east- and westbound charges on heavy articles published in supplement No. 21 to said tariff, in Rules 16 (a), and 16 (b) on page 6 thereof, and shown as reissued items in supplement No. 22. As to West Shore tariff P. S. C., 2 N. Y., W. S. No. 667, the following: (d) the effective date of the changes in storage charges at Forty-second Street, New York city, published in supplement No. 22 to said tariff, in Rules 6 and 7 on page 4 thereof, and shown as reissued items in supplement No. 23; (e) the effective date of the changes in free time allowance on freight other than export freight, published in supplement No. 22 to said tariff, in Rules 3 and 4 on pages 2 and 3 thereof, and shown as reissued items in supplement No. 23; (f) the effective date of the changes in east- and westbound charges on heavy articles, published in supplement No. 22 to said tariff, in Rules 16, 16 (a), and 16 (b) on page 6, and shown as reissued items in supplement No. 23. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplement No. 24 to P. S. C. N. Y. C. No. 2483, and supplement No. 25 to P. S. C. W. S. No. 667; filed February 14, 1917.

No. 6421; February 16, 1917; The Long Island Railroad Company:

Ordered: That under its application of date February 15, 1917, The Long Island Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue February 19, 1917, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 431, said supplement to postpone until June 1, 1917, the effective date of that portion of Rule 2 (c) as shown in supplement No. 2 to said tariff, filed to take effect February 19, 1917, reading as follows: "All cars containing export freight (not covered by through export bills of lading), held at Bay Ridge, N. Y., for delivery to vessels docked at that point, will be allowed five days, free time." This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplement No. 3 to P. S. C. No. 431, filed February 19, 1917.

No. 6422; February 17, 1917; Boston and Maine Railroad:

Ordered: That under its application of date February 16, 1917, the Boston and Maine Railroad be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days from the date of this order, a supplement to its milk tariff, P. S. C., 2 N. Y., No. 245, said supplement to amend regulations shown on pages 4, 5, and 6 of said tariff, to permit shipments of commodities named in tariff in less than carload lots in baggage cars on passenger trains between points where open iced milk or refrigerator car service is provided, upon payment of rates applying on less than carload shipments in

milk or refrigerator cars on milk, passenger, or mixed passenger and freight trains as shown under tables 1 and 2 of said tariff. This authority applies to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplement No. 2 to P. S. C. No. 245, effective February 24, 1917.

No. 6423; February 19, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date February 17, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a new tariff or supplement to a tariff applying on Pulp Wood, in carloads, minimum twelve cords, from Horse Shoe, N. Y., and Brandreth, N. Y., to Harrisville, N. Y., at rate of one dollar and eighty-four cents per cord.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 2611, effective February 23, 1917.

No. 6424; February 19, 1917; The Baltimore and Ohio Railroad Company:

Ordered: That following the action of the Interstate Commerce Commission by order dated February 12, 1917, in its I. & S. Docket No. 1027, and under application made, The Baltimore and Ohio Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue February 14, 1917, supplements to its freight tariffs of lighterage and terminal regulations in New York harbor and vicinity, P. S. C., 2 N. Y., Nos. 41 and 46, said supplements to postpone until June 15, 1917, Rules Nos. 17 as shown in supplement No. 17 to P. S. C., 2 N. Y., No. 41, and supplement No. 1 to P. S. C., 2 N. Y., No. 46. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplement No. 18 to P. S. C. No. 41, and supplement No. 2 to P. S. C. No. 46; filed February 21, 1917.

No. 6425; February 19, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date February 17, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not later than February 27, 1917, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, said supplement to cancel Rules 13 and 13(a), as shown on page six of supplement No. 6, the effective date of which is now under postponement until February 28, 1917. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplement No. 25 to P. S. C. N. Y. C. No. 2483, effective February 27, 1917.

No. 6426; February 19, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date February 17, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and effective not later than February 27, 1917, a supplement to its freight tariff P. S. C., 2 N. Y.,

W. S. No. 667, said supplement to cancel Rules 14 and 14(a), as shown on page five of supplement No. 5, the effective date of which is now under postponement until February 28, 1917. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplement No. 26 to P. S. C. W. S. No. 667, effective February 27, 1917.

No. 6427; February 21, 1917; R. N. Collyer, Agent:

Ordered: That following action of the Interstate Commerce Commission in relation to its I. & S. Docket No. 1012, and under his application of date February 20, 1917, R. N. Collyer, agent for carriers duly authorized to publish and file Official Classification, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within ten days from the date of this order, a supplement to Official Classification filed with this Commission as his P. S. C., 2 N. Y., O. C. No. 44, said supplement to amend supplement No. 3 to said tariff by adding to the list of ratings to apply, pending restoration, reissue, or cancellation of postponed items in that supplement, the following:

"Bearings, ball or roller, shafting, c. l. min. wt. 56,000 lbs., l. c. l. 3; c. l. 5." This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplement No. 4 to P. S. C. O. C. No. 44, filed February 28, 1917.

No. 6428; February 23, 1917; United Traction Company:

Ordered: That under its application of date February 22, 1917, the United Traction Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue not later than February 25, 1917, a supplement to its passenger fare tariff, P. S. C., 2 N. Y., No. 10, said supplement to postpone the effective date of said tariff until March 12, 1917.

Completed by supplement No. 3 to P. S. C. No. 10, filed February 23, 1917.

No. 6429; February 23, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date February 20, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2994, said supplement to establish rate of fifty-three cents per ton of two thousand pounds on Ice, in carloads, minimum weight fifty thousand pounds, from Penn Yan, N. Y., to Himrods Junction (Randalls siding), N. Y.

Completed by supplement No. 2 to P. S. C. N. Y. C. No. 2994, effective March 1, 1917.

No. 6430; February 23, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date February 21, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local commodity tariff applying on Cord Wood, in carloads, minimum weight forty thousand pounds, said tariff to establish rates in cents per ton of two thousand pounds to Dover Plains, N. Y., from New York state stations as follows: Wassaic, Amenia, Wingdale, and Dover Furnace 53; Sharon and Colemans 63; Millerton 68.

Completed by P. S. C. N. Y. C. No. 3133, effective February 26, 1917.

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No. 6431; February 23, 1917; Elmira Water, Light and Railroad Company:

Ordered: That under its application of date February 23, 1917, the Elmira Water, Light and Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days from the date of this order, local and proportional freight tariffs as follows: (a) Local and Proportional Tariff of class and commodity rates applying on less than carload shipments; (b) Local and Proportional Tariff applying on Milk, Milk Products, Cream, etc.; (c) a Classification to govern said tariffs. Said tariffs to provide the rates and charges to apply between the points specified as shown in exhibits attached to said application and which are hereby made part of this order.

Completed by P. S. C. Nos. 2, 3, and 4, effective March 1, 1917.

No. 6432; February 26, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date February 24, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local commodity tariff applying on Logs, in carloads, from Warsaw, N. Y., to Ellicottville, N. Y., and Great Valley, N. Y., at rate of seventy-nine cents per ton of two thousand pounds.

Completed by P. S. C. No. 1317, effective March 5, 1917.

No. 6433; February 26, 1917; The Delaware and Hudson Company:

Ordered: That under its application of date February 26, 1917, The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3330, said supplement to establish rate of one dollar and twenty-six cents per ton of two thousand pounds on Gas House Coke, in carloads, minimum weight forty-eight thousand pounds, from Glens Falls, N. Y., to the following New York state stations for delivery on D. & H. Co.'s tracks: Albany, Cohoes, Mechanicville, Troy, and Waterford.

Completed by supplement No. 3 to P. S. C. No. 3330, effective February 28, 1917.

No. 6434; February 27, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East.):

Ordered: That under its application of date February 26, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local commodity tariff applying on Stave Listings, Stave Culls, and Spalts (damaged lumber), in carloads, minimum fifteen cubic cords, from Tupper Lake, N. Y., and Tupper Lake Junction, N. Y., to Salisbury Center, N. Y., at rate of one dollar and fifty-eight cents per cubic cord.

Completed by P. S. C. N. Y. C., No. 3139, effective March 1, 1917.

No. 6435; February 27, 1917; International Railway Company:

Ordered: That under its application of date February 26, 1917, the International Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local and proportional freight tariff applying on Sand, Gravel, Slag, Crushed Stone, Rough Foundation Stone, and Ground Limestone, in carloads, between Lockport, N. Y., and Martinsville, N. Y., Pendleton Center, N. Y., and North

Tonawanda, N. Y., said tariff to establish the rates, rules, and regulations as set forth in proof copy of proposed tariff accompanying said application and hereby made part of this order.

Completed by P. S. C. No. 68, effective March 5, 1917.

No. 6436; February 28, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and its leased line, the West Shore Railroad:

Ordered: That following the action of the Interstate Commerce Commission by order dated February 27, 1917, in its I. & S. Docket No. 1038, and under application of date February 28, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and its leased line, the West Shore Railroad, be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue March 1, 1917, supplements to freight tariffs of Exceptions to Official Classification and commodity tariffs on Milk, Condensed or Evaporated, said supplements to postpone until June 29, 1917, the effective dates of the following: (a) Item No. 233 as shown in supplement No. 12 to New York Central tariff P. S. C., 2 N. Y., N. Y. C. No. 2648, filed to take effect March 1, 1917; (b) item No. 229 as shown in supplement No. 12 to West Shore Railroad tariff P. S. C., 2 N. Y., W. S. No. 707, filed to take effect March 1, 1917; (c) effective date of New York Central tariff P. S. C., 2 N. Y., N. Y. C. No. 3073, filed to take effect March 15, 1917; also of superseding tariff P. S. C., 2 N. Y., N. Y. C. No. 3106, filed to take effect April 16, 1917. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplements Nos. 13 to P. S. C. N. Y. C. No. 2648, and P. S. C. W. S. No. 707, filed February 28, 1917; and supplements Nos. 1 to P. S. C. N. Y. C. Nos. 3073 and 3106, filed March 6, 1917.

No. 6437; February 28, 1917; The Delaware and Hudson Company:

Ordered: That following the action of the Interstate Commerce Commission by order dated February 27, 1917, in its I. & S. Docket No. 1038, and under application of date February 28, 1917, The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date of March 1, 1917, a supplement to its freight tariff of Exceptions to Official Classification, P. S. C., 2 N. Y., No. 3292, said supplement to postpone until June 29, 1917, the effective date of item shown in supplement No. 5 to said tariff as group No. 245-A, canceling 245, and which is also brought forward as a reissued item and shown in supplement No. 7 to said tariff. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplement No. 8 to P. S. C. No. 3292, filed March 1, 1917.

No. 6438; February 28, 1917; Lehigh Valley Railroad Company:

Ordered: That following the action of the Interstate Commerce Commission by order dated February 27, 1917, in its I. & S. Docket No. 1038, and under application of date February 28, 1917, the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue March 1, 1917, a supplement to its freight tariff of Exceptions to Official Classification, P. S. C., 2 N. Y., No. D-3274, said supplement to postpone until June 29, 1917, the effective date of item No. 177-A, applying on Milk, Condensed or Evaporated, as published on page five of supplement No. 12 to said tariff, and also amend supplement No. 13 to said tariff correcting cancellation notice on title page to read "Cancels such portions of supplement No. 12 as are not under suspension," and to cancel from page six of said supplement item No. 177-A, shown as reissued from supplement No. 12. This authority applies only to traffic as

to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplement No. 14 to P. S. C. No. D-3274, filed March 1, 1917.

No. El.-28; February 26, 1917, Corning Light and Power Corporation:

Ordered: That under its application of February 26, 1917, the Corning Light and Power Corporation be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date not later than March 1, 1917, amendments to its general schedule for electricity P. S. C., 2 N. Y., No. 1, such amendments to establish the rates and regulations set forth in said application which is hereby made a part of this order.

Completed by schedules effective March 1, 1917.

No. T.&T. 121; February 2, 1917; Federal Telephone & Telegraph Company:

Ordered: That under its application of February 1, 1917, the Federal Telephone & Telegraph Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date not later than February 10, 1917, amendments to its local general tariff P. S. C., N. Y., No. A-1, said amendments to supersede section 20 of said tariff and establish the short-term rates and regulations set forth in exhibits attached to said application which are hereby made a part of this order.

Completed by schedules effective February 10, 1917.

No. T.&T. 122; February 15, 1917; Keeseville Telephone Company:

Ordered: That under its application of February 12, 1917, the Keeseville Telephone Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and under an effective date not later than March 1, 1917, an amendment to its local general tariff P. S. C., N. Y., No. 2, such amendment to supersede Original Sheet 6 of said tariff and establish the short-term rates and regulations set forth in exhibit attached to said application which is hereby made a part of this order.

Completed by schedule effective March 1, 1917.

No. T.&T. 123; February 21, 1917; Monticello Telephone Company:

Ordered: That under its application of February 20, 1917, the Monticello Telephone Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and under an effective date not later than March 1, 1917, a supplement to its local general tariff P. S. C., N. Y., No. 3, such supplement to establish the short-term rates and regulations set forth in exhibit attached to said application which is hereby made a part of this order.

Completed by supplement No. 1 to P. S. C. No. 3, effective March 1, 1917.

[Case No. 4153]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 1st day of
March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the FEDERAL TELEPHONE & TELEGRAPH COMPANY for authority, pursuant to the provisions of section 101 of the Public Service Commissions Law, to issue \$600,000 par value of bonds for the purchase of automatic telephone equipment.

Superseding
order.

Petition filed February 26, 1914; reports of telephone engineer dated June 23 and October 29, 1914; first amendatory petition filed February 27, 1915; report of telephone engineer dated March 9, 1915; report of division of capitalization dated June 14, 1915; second amendatory petition filed July 3, 1915; copy of mortgage dated March 24, 1909, filed July 3, 1915; second report of division of capitalization dated July 15, 1915; hearing held July 21, 1915; order entered July 22, 1915; first amendatory order entered August 2, 1915; third report of division of capitalization dated August 13, 1915; order entered September 23, 1915; report of telephone engineer dated October 6, 1916; fourth report of division of capitalization dated October 13, 1916; hearings held October 31, 1916 (testimony filed in case No. 3731), and December 31, 1916. Now therefore, upon the foregoing record,

Ordered as follows: 1. That this order supersedes previous orders entered herein on the 22nd day of July, 2nd day of August, and 23rd day of September, 1915.

2. That the Federal Telephone & Telegraph Company is hereby authorized to issue \$334,000 face value of its 5 per cent 50-year first and refunding mortgage gold bonds under a certain indenture dated March 24, 1909, given to The Trust Company of America as trustee (The Equitable Trust Company, successor), to secure an authorized issue of a total face value of \$25,000,000.

3. That the bonds to the amount of \$334,000 face value herein authorized to be issued include bonds of the face value of \$17,100, being the remainder of the \$25,700 of its bonds which the petitioner had on hand September 1, 1910, the effective date of the Public Service Commissions Law regulating telephone corporations, and for the issue of which the Commission has not heretofore given its authority.

4. That the issuance and sale since September 1, 1910, to the Consolidated Telephone Company by the Federal Telephone & Telegraph Company of \$8600 face value of its 5 per cent 50-year first and refunding mortgage gold bonds secured by a certain indenture dated March 24, 1909, given to The Trust Company of America as trustee (The Equitable Trust Company, successor) without the authority of the Commission, is hereby authorized *nunc pro tunc*, provided that such \$8600 of bonds or the proceeds thereof at their face value are considered as applied, as indicated in clause 8 of this order, in liquidation of an equivalent amount of current liabilities of the petitioner which have been incurred for capital purposes during the period from January 1, 1914, to March 31, 1915.

5. That \$221,500 of the bonds herein authorized shall be sold for not less than their face value to the Automatic Electric Company, in payment of bills payable now owing to that company for automatic telephone equipment acquired in accordance with the terms of a certain contract between the peti-

tioner and the Automatic Electric Company dated the 10th day of March, 1913, a copy of which is attached to the original petition herein.

6. That \$62,500 of the bonds herein authorized shall be sold for not less than their face value and accrued interest to give net proceeds of at least \$62,500, and \$50,000 shall be sold for not less than 83 1/3 per cent of their face value and accrued interest to give net proceeds of at least \$41,666.67.

7. That the Federal Telephone & Telegraph Company is hereby authorized to issue \$413,000 par value of its 7 per cent cumulative preferred capital stock which shall be sold at a price not less than the par value thereof to realize net proceeds of at least \$413,000.

8. That said bonds and stock of the total face and par value of \$550,000 so authorized, or the proceeds thereof to the amount of \$541,666.67 (which includes \$24,500 par value of 7 per cent cumulative preferred capital stock authorized to be issued by order in case No. 3731, dated September 25, 1913, and the proceeds thereof of like amount, the sale and disposition of which is to be reported in this case in accordance with requirements of an order dated February 20, 1917, in case No. 3731), shall be applied solely and exclusively toward the payment of current obligations outstanding as of March 31, 1915, as described on pages 2 and 3 of the report herein of the division of capitalization dated June 14, 1915, or the renewals thereof, \$778,676.10; less (a) the amount owing to the Automatic Electric Company for the payment of which bonds are herein authorized, \$221,500; (b) amount equivalent to the face value of the bonds issued and sold to the Consolidated Telephone Company which are herein authorized *nunc pro tunc*, \$8600: \$230,100: \$548,576.10; amount unprovided for, \$6909.43.

9. That if the securities of a total face and par value of \$780,100 herein authorized (which includes the \$24,500 par value of stock authorized to be issued by order in case No. 3731, transferred hereto by order dated February 20, 1917, in that case) shall be sold at such price as will enable the company to realize net proceeds of more than \$778,676.10, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

10. That none of the bonds herein authorized shall be hypothecated or pledged as collateral by the Federal Telephone & Telegraph Company without an express order from this Commission.

11. That the Federal Telephone & Telegraph Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such securities were sold; (c) what proceeds were realized from such sale; (d) any other terms and conditions of such sale; (e) the amount expended during such period in reasonable detail of the proceeds of the securities herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

12. That the Federal Telephone & Telegraph Company shall amortize \$316,065 of its intangible fixed capital by debiting the account "Other Contractual Deductions from Income" and contemporaneously crediting the account "Other Intangible Capital," or an account containing charges which would properly be includible in such account, according to the following schedule:

Remainder of 1915.....	\$1,700.00
Next five years \$5000 each.....	25,000.00
Next five years \$6000 each.....	30,000.00
Next five years \$7000 each.....	35,000.00
Next twenty-seven years \$8000 each.....	216,000.00
Last year	8,365.15
	<hr/>
	\$316,065.15

provided that the said company is authorized to amortize the said sum more rapidly than herein provided if it so desires by crediting the account "Other Intangible Capital," or an account containing charges which would properly be includible in such account, and debiting the account "Corporate Surplus" with the excess so credited over the amount required as shown by the foregoing schedule.

13. That the authority contained in this order to issue securities including the *nunc pro tunc* authorization of \$8600 face value of bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money procured and to be procured by the issue of the said securities herein authorized was and is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except as to the proceeds of bonds herein authorized aggregating \$316,065.15.

[Case No. 4662]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY for permission to issue \$1,020,615.29 consolidated 4½ per cent bonds, pursuant to section 55 of the Public Service Commissions Law.

Supplemental
order.

By order herein dated December 2, 1914, the Buffalo, Rochester and Pittsburgh Railway Company was authorized to issue \$1,020,000 face value of its 4½ per cent 50-year consolidated mortgage bonds under a certain indenture dated May 1, 1907, given to the Central Trust Company of New York as trustee, to secure an authorized issue of \$35,000,000 face value. Clause 2 of such order provided that said bonds shall be sold at such price as shall be hereafter fixed by the Commission upon application and suitable proof offered by the petitioner. On February 28, 1917, the company asked for permission to dispose of these bonds at their face value and to use the proceeds realized from such sale for the purposes enumerated in the aforesaid order. Now therefore, upon the foregoing record,

Ordered: That the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to sell the \$1,020,000 face value of 4½ per cent 50-year consolidated mortgage bonds authorized to be issued by order herein dated December 2, 1914, for not less than their face value and accrued interest, to give net proceeds of at least that sum.

132 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4921]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the RANDOLPH LIGHT AND POWER COMPANY, INC., under sections 68 and 69 of the Public Service Commissions Law as to construction and exercise of franchise and issuing common and preferred stock, and as to cancellation of part of order in case No. 4394.

Supplemental
order.

By superseding order herein dated October 31, 1916, the Randolph Light and Power Company, Inc., was authorized among other things to issue \$15,000 par value of its common capital stock and to apply the proceeds realized from the sale thereof at par toward the discharge of indebtedness outstanding at May 31, 1915, as shown on page 8 of the final report of the division of capitalization of the Commission dated December 17, 1915, or their renewals. From a verified report filed in accordance with the requirements of said order it appears that none of such stock has yet been issued. By application filed under date of February 26, 1917, in a subsequent proceeding (case No. 5914), the petitioner prays for permission to execute a mortgage for \$50,000, and for authority to issue and sell thereunder for not less than its face value a 6 per cent ten-year bond of like amount, a portion of the proceeds of which is to be used for the same purposes for which the aforesaid \$15,000 of common stock was authorized. Now therefore, upon the foregoing record,

Ordered: That the superseding order of the Commission entered in this proceeding on the 31st day of October, 1916, in so far as it relates to the issuance by the Randolph Light and Power Company, Inc., at par of \$15,000 par value of its common capital stock, and the expenditure of its proceeds for the discharge of indebtedness outstanding at May 31, 1915, is hereby vacated.

[Case No. 5622]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of the WESTERN NEW YORK AND PENNSYLVANIA RAILWAY COMPANY, lessor, and THE PENNSYLVANIA RAILROAD COMPANY, lessee, under section 91 of the Railroad Law as to changing the Queen Street grade crossing in the city of Olean to an undergrade crossing.

The Pennsylvania Railroad Company proposes to make certain improvements or alterations to its tracks and roadbed in the city of Olean, and desires

among other things to lay an additional siding or track across Queen street. It and its lessor, the Western New York and Pennsylvania Railway Company, have therefore come before the Commission with a petition dated June 28, 1916, under section 91 of the Railroad Law, stating "That public safety and convenience require that said street or highway known as Queen street, at the point where it is crossed by said railroad, be changed and the construction of a subway or structure carrying said street or highway under said railroad" . . . The petition is accompanied by a map, made a part thereof, which shows an undergrade crossing in the line of Queen street 30 feet wide with 14 feet headroom, and with approach grades descending in each direction toward the subway at the rate of 10 per cent. A hearing upon this petition was held by the Commission on December 20, 1916, at which time due proof of publication of notice of such hearing was made. Subsequent to this hearing the Western New York and Pennsylvania Traction Company and Mrs. V. M. Titus, the only property owners in addition to the railroad corporations who would be affected, filed releases with this Commission, holding the applicant corporations and the City of Olean harmless from any and all claims, demands, or rights for damages by reason of the proposed change in grade in Queen street and the construction of the undergrade crossing.

There has also been filed with this Commission a certified copy of a resolution passed at a meeting of the common council of the City of Olean on the 7th day of June, 1916, by which the plan submitted by the railroad corporations is approved and permission is granted to said corporations to construct and maintain an additional siding across Queen street, to maintain and operate the necessary structures for the purpose of constructing and maintaining an undergrade crossing, and requesting the Public Service Commission to approve said plans for such crossing, provided among other things that the entire expense of the construction necessary to carry Queen street under the tracks shall be borne by the railroad corporations; that said corporations shall at their own expense pave the surface of Queen street at the undergrade crossing, and shall keep such crossing passable at all times by removing therefrom snow and ice and provide proper drainage, and that during the construction period Queen street may be closed for approximately two months.

The city not being represented at the hearing, it could not be ascertained whether or not the city authorities desired to have sidewalks constructed in the subway and along the approaches, none being shown on the railroad company's plan. The applicant was, therefore, instructed to consider this subject with the city before the final disposition of the case. Accordingly, a certified copy of a resolution passed by the common council of the city on the 22nd day of December, 1916, was filed with the Commission, which approved a plan prepared by the city superintendent of streets for the construction of sidewalks and a roadway through the proposed undergrade crossing. According to this plan, a copy of which is attached to the aforesaid resolution on file with the Commission, the city will be satisfied with an opening having a clear width of 30 feet, subdivided by a 21-foot roadway and two sidewalks each 4½ feet wide, constructed on a level grade, their elevation above the roadway at the subway to be 3 feet. This plan also shows an approach grade from the north descending toward the subway at the rate of 7 per cent, and an approach grade descending toward the subway from the south at the rate of 5 per cent, instead of the 10 per cent approach grades as provided for in the original railroad plan as approved by the common council June 7th.

The railroad corporations, by letter dated February 8, 1917, have advised the Commission that the proposed approach grades approved by the city authorities and as shown upon the city's plan are acceptable to them. It further appears from the testimony that drainage of the proposed subway can be accomplished into an existing sewer in Railroad avenue. The Commission does not look with favor on a construction which provides for sidewalks 4 feet in width within the limits of a growing community. Lest this subject had not been thoroughly considered, a further consideration of this detail was urged upon the city. The mayor and superintendent of streets, however, subsequently assured the Commission that such construction would be acceptable to the city and answer the needs of the community. Upon the

facts herein set forth and evidence submitted at the hearing, the Commission has finally determined that the application should be granted, and therefore it is

Ordered: 1. That Queen street, in the city of Olean, shall be carried under the grade of the existing track of The Pennsylvania Railroad Company, lessee, and the grade of an additional sidetrack proposed to be constructed across Queen street, by a change in surface of said Queen street such as to enable it to be carried under the grade of the existing and proposed railroad tracks in a subway 30 feet wide between abutments, the axis of said subway to coincide with the center line of Queen street as it exists at the present time.

The double-track railroad bridge shall be of deck construction, either of reinforced concrete or steel or a combination thereof, placed at such elevation as to provide a clear headroom of 14 feet over the depressed roadway of the street. The southerly approach grade on the roadway shall descend toward the subway at the rate of 5 per cent to meet a level grade approximately 42 feet long, from the northerly end of which the northerly approach shall ascend from the subway at the rate of 7 per cent to Railroad avenue. Both approaches shall be graded to a clear width of not less than 30 feet. Two concrete sidewalks, each $4\frac{1}{2}$ feet wide, shall be constructed from Railroad avenue for the entire length of the construction herein authorized. They shall be built on continuous level grades or approximately so through the subway and on the approaches, and at such height in the subway as to provide a clear headroom above their surfaces of 11 feet. These level sidewalk grades will gradually merge into the roadway grade at a point approximately 90 feet south of the center of the existing track and at Railroad avenue north of said track. Gas pipe railing along the curb lines at all points where the difference in height of surfaces of roadway and sidewalks exceed one foot shall be provided.

The existing surface of Railroad avenue shall be re-shaped, manholes adjusted, pavement (if any exists) re-laid, and any and all other work done to provide a safe connection between the northerly approach and Railroad avenue, satisfactory to the city and to this Commission.

The roadway of Queen street for the entire length in which its surface is to be disturbed shall be paved with brick for its full width, in a manner and under specifications approved by and satisfactory to the City of Olean and this Commission.

Drainage of the subway shall be by means of at least two catch-basins and a new drain to the existing sewer in Railroad avenue.

2. The City of Olean having agreed thereto, the cost of the grading and other work exterior to the railroad corporations' right of way lines necessary to carry out this order, except the construction of the sidewalks and the pavement of the roadway, shall be borne and paid for by said city, and no part thereof shall be chargeable against either of the railroad corporations or the State.

3. That in compliance with an agreement entered into by the petitioning railroad corporations with the City of Olean, said railroad corporations shall at all times keep the undergrade crossing free from snow and ice and provide for its proper drainage.

4. That in pursuance of the aforesaid agreement between the petitioning railroad corporations and the City of Olean, said railroad corporations shall pay and discharge the entire cost of construction except as herein provided and of any land or damages whatsoever; this order being granted upon the express condition that no financial liability or obligation on account of construction and work herein provided for and authorized shall attach to or fall upon the State of New York, and that all costs of whatever nature and to whatsoever amount shall be charged against, be payable and paid by The Pennsylvania Railroad Company, lessee, and the City of Olean.

[Case No. 5672]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of COLLIER LIGHT, HEAT AND POWER COMPANY *against* ONEONTA LIGHT AND POWER COMPANY alleging that the last named company is unlawfully furnishing to the public electricity in a lighting district at Oneonta Plains, in the town of Oneonta, Otsego county.

The Oneonta Light and Power Company having made application to this Commission on February 27, 1917, for a rehearing in the above entitled proceeding on the ground that the Commission erred in its decision in holding that the poles, lines, and wires of said Oneonta Light and Power Company in that portion of the town of Oneonta known as Oneonta Plains constitute a "plant" within the meaning of the law. And said decision holding that said poles, lines, and wires constitute a "plant" having been based upon the definition with respect thereto in subdivision 12 of section 2 of article 1 of the Public Service Commissions Law; now, after due deliberation, the Commission being of the opinion that sufficient reason for such a rehearing has not been made to appear, it is

Ordered: That the application of the Oneonta Light and Power Company for a rehearing herein be and the same hereby is denied.

[Case No. 5688]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOR P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint under section 71 of the Public Service Commissions Law of the BOARD OF TRUSTEES OF THE VILLAGE OF GENESEO, Livingston county, *against* GENESEO GAS LIGHT COMPANY as to price charged residents for gas, and as to price charged the village for electric street lights.

On the 16th day of January, 1917, the Commission made an order in this case which fixed and determined the rates to be charged by the respondent to its customers for illuminating gas in the village of Geneseo. The effective date of said order was February 1, 1917, but by a subsequent order of the Commission based upon the stipulation of all parties thereto said date was extended to March 1, 1917. Said order also authorized the filing with the Commission, on short notice, a schedule of rates, in accordance with the requirements of said order, which was duly filed by the respondent. It now

appears that the complainant and respondent have entered into an agreement for other and different rates and charges for the gas service of the respondent in said village, as appears by the written proposition made by the respondent to the complainant, and duly accepted by the latter, which is filed with the papers in this case. And the respondent has also filed with the Commission a new rate schedule in accordance with such last mentioned stipulation and agreement, the same to remain in full force and effect for one year from March 1, 1917. It is therefore

Ordered: That all the provisions of the said order of the Commission herein dated January 16, 1917, which fixes the rates to be charged by the respondent to its customers for illuminating gas in the village of Geneseo, be and the same hereby are vacated and annulled, but all other provisions of said order are hereby continued in full force and virtue.

[Case No. 5805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the VILLAGE OF SPENCERPORT, Monroe county, under section 68 of the Public Service Commissions Law for a certificate of authority *nunc pro tunc* [February 15, 1916] to build, maintain, and operate a commercial electric plant.

This is an application under section 68 of the Public Service Commissions Law for a certificate of authority *nunc pro tunc* to the Village of Spencerport to maintain and operate for other than municipal purposes an electric plant. In case No. 4260 a similar petition was filed, and denied because not founded upon a legal vote at an election held under the provisions of section 241 of the Village Law. The plant was nevertheless afterward constructed, and has been furnishing the inhabitants of the village with electricity for lighting purposes, the village board acting upon the belief that such use was authorized. At a public hearing held in Albany February 28, 1917, it was made to appear on behalf of the village that subsequent to the election referred to in case No. 4260, another election was held, which the electors were informed was for the purpose of correcting the defect in the first election and for the purpose of authorizing the construction, maintenance, and operation of an electric plant for commercial as well as municipal purposes, and the proposition was at such election carried by a large majority. The plant was then constructed from the proceeds of bonds issued for that purpose, the validity of which has been declared by a judgment of the Supreme Court. It is therefore

Ordered and certified *nunc pro tunc* that the Village of Spencerport be and is granted authority to build, maintain, and operate electric works and an electric system for the manufacture and supplying of electricity for lighting purposes for other than municipal purposes, to wit, for supplying the inhabitants of said village and for such other purposes as may be lawfully undertaken by such municipal plant.

[Case No. 5832]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of F. L. PUTNAM and LEON A. HARDMAN of Richburg, Allegany county, under section 70 of the Public Service Commissions Law for consent to the transfer from Putnam to Hardman of the franchise, works, and system of a natural gas plant in the incorporated village of Richburg and the town of Wirt, Allegany county, N. Y.

F. L. Putnam has operated since 1909 a natural gas plant in the village of Richburg, Allegany county, acquiring the works and system as well as the franchise therefor from John B. Burleson by consent of this Commission (case No. 2782). He now desires to transfer said franchise, works, and system to Leon A. Hardman. A public hearing was held in the city of Corning February 23, 1917, at which the petitioners appeared and there was no opposition. It is

Ordered: That the consent of the Commission be given under section 70 of the Public Service Commissions Law to the transfer of the franchise, works, and system of said Putnam to said Hardman.

[Case No. 5853]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of MARTIN STEED under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Binghamton, it being proposed the route shall be operated between Binghamton and the hamlet of Chenango Forks and the incorporated village of Greene, and intermediate points.

Martin Steed asks for a certificate of convenience and necessity for the operation of a stage route by auto busses over certain streets in the city of Binghamton as a part of a route to be operated between Binghamton and the hamlet of Chenango Forks and the incorporated village of Greene. The consent of the common council of the City of Binghamton was granted December 18, 1916, and approved by the mayor December 20, 1916, subject to certain terms and conditions. A public hearing was held in Binghamton February 24, 1917, at which Mr. Floyd E. Anderson appeared for the petitioner; Mr. Edmund L. Youngs appeared as an interested citizen; and Mr. Thomas J.

Keenan appeared as attorney for the Binghamton Railway Company. Upon the stipulation that no passengers, freight, or express would be carried between points in the city of Binghamton, between points in the city of Binghamton and points in the village of Port Dickinson, nor between points in the village of Port Dickinson, the railway company interposed no opposition. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Martin Steed of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Binghamton, a copy whereof is attached to the petition herein, through and along Chenango street between the Courthouse Square and the corporate limits of the city of Binghamton, and through and along Main street to Front street, thence along Front street north to the corporate limits of the city of Binghamton, to be operated only as a part of a line from the city of Binghamton to the hamlet of Chenango Forks and the incorporated village of Greene. It is stipulated that no passengers, freight, or express shall be carried between points in the city of Binghamton, between points in the city of Binghamton and points in the village of Port Dickinson, nor between points in the village of Port Dickinson. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Binghamton, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5894]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the petition of ERIE RAILROAD COMPANY under section 55, Public Service Commissions Law, for authority to execute an equipment trust lease and an agreement of assignment of lease, and for permission to guarantee an issue of 4½ per cent equipment trust certificates amounting in total to \$3,680,000, to be known as Erie Railroad Equipment Trust, Series EE.

Petition filed February 9, 1917; report of division of steam railroads dated February 20, 1917; hearing held February 23, 1917; report of division of capitalization dated February 28, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized to execute and deliver a certain agreement of lease of equipment to be dated March 30, 1917, with Edward T. Stotesbury of Philadelphia, Penna., and to execute and deliver to the Commercial Trust Company, trustee, a certain agreement of assignment of lease between Edward T. Stotesbury, the Commercial Trust Company, trustee, and the petitioner herein, to be dated March 31, 1917, to secure an issue of \$3,680,000 face value of ten-year gold equipment trust certificates, to be known as Series EE, bearing interest at the rate of 4½ per cent per annum, payable semiannually on the first days of October and April in each year, which certificates mature serially on the dates set forth in said lease and agreement of assignment of lease, copies of which lease of equipment and assignment of lease are filed in this case as exhibit I; and the forms of such agreements are hereby approved and the

petitioner is further authorized to indorse on each of said certificates its guarantee for the prompt payment of the principal thereof and the interest thereon.

2. That upon the execution and delivery of said agreement of lease and agreement of assignment of lease herein authorized there shall be filed with this Commission verified copies in the forms in which they were executed and delivered, together with the affidavit by the president or other executive officer of the company stating that the agreement of lease and agreement of assignment of lease as executed and delivered are the same as herein approved by this Commission.

3. That said equipment trust certificates of a total face value of \$3,680,000 shall be sold at not less than 99 per cent of their face value and accrued interest to give net proceeds of at least \$3,643,200.

4. That said equipment trust certificates herein authorized of a total face value of \$3,680,000 or the proceeds thereof shall be applied solely and exclusively toward the purchase price of the equipment set forth in the lease hereinbefore approved, as follows: 15 Santa Fe [2-10-2] type freight locomotives constructed by American Locomotive Company and numbered 4115 to 4129 inclusive; 10 Pacific type passenger locomotives constructed by American Locomotive Company and numbered 2905 to 2914 inclusive; 1000 steel underframe 40-ton box cars constructed by Standard Steel Car Company and numbered 90,500 to 91,499 inclusive; 1000 steel underframe 40-ton box cars constructed by American Car and Foundry Company and numbered 91,500 to 92,499 inclusive; 2 gasoline shifting locomotives constructed by Baldwin Locomotive Works and numbered 8 and 9 respectively; 2 steel dining cars constructed by Barney and Smith Car Company and numbered 948 and 949 respectively: estimated cost of equipment which is covered by lease, \$4,464,531.15. Net proceeds from the sale of certificates herein authorized, \$3,643,200; balance of required cash, to be provided from the treasury of the petitioner, \$36,800 of which is equivalent to the discount of 1 per cent on the face value of the obligations herein authorized to be sold, \$821,331.15: \$464,531.15.

5. That if the said certificates of a total face value of \$3,680,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$3,680,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by the Erie Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Erie Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what certificates have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such certificates were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said certificates shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no certificates were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said certificates herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

140 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5914]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVOE P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the petition of RANDOLPH LIGHT AND POWER COMPANY, INC., under section 69 of the Public Service Commissions Law for authority to issue a mortgage for \$50,000, and one 6 per cent bond for the same amount.

Petition filed February 26, 1917; report of division of capitalization dated February 28, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Randolph Light and Power Company, Inc., is hereby authorized to execute and deliver to the Sun Life Assurance Company of Canada, a corporation organized and existing under the laws of the Dominion of Canada, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of March, 1917, to secure the issue of a ten-year mortgage bond bearing interest at the rate of 6 per cent per annum, payable semiannually on the first days of March and September in each year, to the amount of \$50,000 face value, a copy of which has been filed with the Commission herein, and that the form of such indenture so filed is hereby approved.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy of the indenture in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

3. That the Randolph Light and Power Company, Inc., is hereby authorized to issue under the aforesaid mortgage its 6 per cent ten-year mortgage bond of the face value of \$50,000, which shall be sold at a price not less than the face value thereof and accrued interest to give net proceeds of at least \$50,000.

4. That said bond of the par value of \$50,000 so authorized, or the proceeds thereof to the amount of \$50,000, shall be applied solely and exclusively toward the discharge of indebtedness outstanding at January 31, 1917, as shown in the statement of liabilities at that date attached to the petition herein as schedule D, or the renewals thereof, as follows:

(a) Funded debt, real estate mortgage.....	\$6,000.00
(b) Bills payable (G. M. Gest).....	5,434.69
(c) Bills payable.....	37,209.61
(d) Accounts payable	3,006.24
	<hr/>
	\$51,650.54

Unprovided for \$1,650.54

5. That if the said bond of the face value of \$50,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$51,650.54, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That the said bond herein authorized shall not be hypothecated or pledged as collateral by the Randolph Light and Power Company, Inc., unless such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Randolph Light and Power Company, Inc., shall for each six months' period ending June 30th and December 31st file, not more than

thirty days from the end of such period, a verified report showing (a) whether or not the bond has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bond was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for the purpose specified herein during such period of the proceeds of the bond herein authorized. Such reports shall continue to be filed until the said bond shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period such bond was not sold or disposed of or proceeds expended the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of the said bond herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5919]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 1st day of
March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
DEVON P. HODSON,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Transfer by ST. REGIS LIGHT AND
POWER COMPANY to O'NEIL & COMPANY of the fran-
chise, works, and system of the former.

The St. Regis Light and Power Company, a corporation, has heretofore maintained and operated an electric plant in the village of St. Regis Falls, Franklin county, N. Y., under a franchise therefor. In September, 1916, dissolution proceedings having been undertaken, and a certificate of dissolution having been obtained from the Secretary of State dated July 12, 1916, the company undertook to transfer its franchise, works, and system to Henry E. O'Neil, Ophelia O'Neil, Edith O. Macdonald, Florence L. O'Neil, Dorothy G. O'Neil, and Arthur St. C. O'Neil, who have since been operating said plant as partners under the name of O'Neil & Company. The partners are the former stockholders of the St. Regis Light and Power Company, and their partnership interests are identical with their former interests as stockholders in the corporation. Failure to apply for a previous consent to such transfer seems to have been inadvertent. It is therefore

Ordered: That the consent of the Commission be and hereby is given *nunc pro tunc* to the transfer of the franchise, works, and system, under section 70 of the Public Service Commissions Law, of the former St. Regis Light and Power Company to the said Henry E. O'Neil, Ophelia O'Neil, Edith O. Macdonald, Florence L. O'Neil, Dorothy G. O'Neil, and Arthur St. C. O'Neil, copartners doing business under the name of O'Neil & Company.

142 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5516]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day of
March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the DEPOSIT ELECTRIC
COMPANY under section 69, Public Service Commis-
sions Law, for authority to issue \$115,000 common
capital stock. Second
supplemental
order.

Hearing February 13 and 14, 1917.

Ordered: That the supplemental order herein dated the 23rd of November, 1916, be vacated, and that no entries upon the books of the Deposit Electric Company in addition to those required in ordering clause 1 of the order herein dated the 20th of September, 1916, be required..

[Case No. 5776]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day of
March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of ALLEN BROTHERS and
others of the town of Pike, Wyoming county, near
Gainesville, against NEW YORK TELEPHONE COMPANY,
asking that telephone service be furnished. Amended
order.

This matter is presented to the Commission upon the complaint of Allen Brothers and three other residents of the town of Pike, who are farmers and live along the highway connecting the Pike Corners road and the Center road in said town; such connecting road is about two miles long, and only four families are located on said road; there is no telephone service along said road, although the respondent maintains its main line out of the Bliss central office along said Pike Corners road to the hamlet of Pike, and also maintains telephone service along the Center road in said town. From the junction of Pike Corners road and the road on which the complainants live, it is about two-tenths of a mile to the first proposed customer; then comes Allen Brothers, who are six-tenths of a mile from said corner; next is another farmer, nine-tenths of a mile away; and lastly, the fourth proposed customer lives a mile and two-tenths from Pike Corners road. The business of these four families is all that could be obtained by the respondent if such extension were made between the Pike Corners road and the Center road, although there are some possible customers a little farther on. The respondent is willing to make such extension and furnish telephone service to the complainants on condition that the company shall be reimbursed for the cost of the necessary poles and the hauling and setting of the same, which in the judgment of the company would amount to more than three hundred dollars. This item the complainants refuse to pay, but are willing to haul and set the poles for such

extension line provided the company furnishes the poles. All of these facts were brought out at a hearing in this case held by the Commission in the city of Buffalo on the 5th day of January, 1917, at which hearing Millard Allen of Pike, one of the complainants, appeared in person; W. F. Crowell of 15 Dey street, New York city, and Frankland Briggs of 15 Dey street, New York city, attorney, both appeared on behalf of the respondent.

The tariff schedules of the respondent now on file with the Commission, as the same relate to rural pole line construction and service, provide that in case the cost of furnishing service is unusually high the subscribers will be required to pay a proportionate part of the cost of construction in addition to the annual subscription rates; and the further specific requirement is contained in such schedules that subscribers shall contribute toward the cost of building the necessary pole line on a public highway whenever the cost of such pole line is excessive compared with the revenue which the company receives, and that each case must be determined on its individual merits. These tariff provisions appear to be reasonable, and especially applicable to this case. The estimate of the respondent for initial expenditures for the proposed extension is the sum of five hundred twenty-nine dollars, while the telephone rates for each of such subscribers will be fifteen dollars a year. Since the hearing in this case the matter has been examined by the chief of the division of telegraphs and telephones, and he has recommended, in writing, that the said extension be ordered by the Commission, on condition that all of said four complainants become subscribers for telephone service and also pay to the respondent the sum of sixty dollars as the contribution of such subscribers to the cost of such line extension. This recommendation seems to reasonably dispose of the dispute between the parties in this case. It is therefore

Ordered: 1. That the respondent, New York Telephone Company, be and it hereby is directed to construct an extension of its telephone line and service along the highway connecting the Pike Corners road and the Center road in the town of Pike, Wyoming county, which extension is for the purpose of giving telephone service to the four complainants herein, who live along said connecting highway; that said construction be completed and such telephone service given to the complainants herein on or before the 15th day of May, 1917, through a connection with the exchange of the respondent at Bliss.

2. This order is made upon the express condition that before any work upon said extension shall be required of the respondent the said four complainants herein shall become subscribers for such telephone service at the rate and pursuant to the rules prescribed by the respondent, shall draw the poles and set them, and shall also pay or cause to be paid to the respondent the sum of sixty dollars, in cash, as the contribution of said subscribers to cost of building said pole line for such extension service.

3. That each of the parties to this proceeding shall on or before the 10th day of March, 1917, file with the Commission a notice, in writing, which shall state whether or not the order herein is accepted and will be obeyed by said respective parties.

144 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5779]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day of
March, 1917.**

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CAER,
JOHN A. BARHITE,
Commissioners.**

**Petition of CENTRAL NEW ENGLAND RAILWAY COMPANY
under section 54 of the Railroad Law (chapter 564,
laws of 1915) for consent to the discontinuance of the
Winchells station and Husted station on its railroad
between Pine Plains and Millerton.**

**Application having been made for a reopening and rehearing of the above
entitled proceeding, in which an order of this Commission denying the petition
of the Central New England Railway Company for leave to discontinue its
Winchells and Husted stations on its railroad between Pine Plains and Miller-
ton was made and entered by the Commission on the 21st day of February
1917; and the Commission, after due consideration, having determined that
sufficient reasons for such reopening and rehearing of the case have not been
presented to it, it is hereby**

**Ordered: That the said application of the Central New England Railway
Company for a reopening and rehearing of this proceeding be and the same
hereby is denied.**

[Case No. 5841]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day of
March, 1917.**

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CAER,
JOHN A. BARHITE,
Commissioners.**

**In the matter of the Petition of the ORANGE COUNTY
TRACTION COMPANY under section 55, Public Service
Commissions Laws. for authority *nunc pro tunc* to
the issuance of \$5000 mortgage bonds.**

**On May 18, 1916, the Orange County Traction Company sold, at 85 per
cent of their face value, \$5000 face value of Walden and Orange Lake Railroad
Company 5 per cent mortgage bonds. These bonds were a portion of a total
issue of \$100,000 secured by a mortgage authorized by the Board of Railroad
Commissioners in 1895, the payment of which was assumed by the Orange
County Traction Company in 1897. Said \$5000 face value of bonds had been
reacquired by the Orange County Traction Company in 1910. The issuance
of said bonds on May 18, 1916, was without the authority of the Commission,
and accordingly upon advice to this effect from the Commission the petitioner
on December 28, 1916, filed an application asking for a ratification of the
issuance of said bonds and the use of the proceeds realized from such sale.
Now therefore, upon the foregoing record,**

**Ordered: That the issuance and sale by the Orange County Traction Com-
pany on May 18, 1916, for 85 per cent of their face value and accrued interest,
of \$5000 face value of 5 per cent mortgage bonds of the Walden and Orange**

Lake Railroad Company (a constituent corporation of the petitioner), and the application of the proceeds realized from such sale, amounting to \$1250, toward the discharge of indebtedness owing to the Central Hudson Steamboat Company for advances to the petitioner for construction and improvement purposes, is hereby authorized *nunc pro tunc*.

Finally, it is determined and stated that in the opinion of the Commission the money procured by the issue of said bonds herein authorized *nunc pro tunc* was reasonably required for the purpose described in this order, and that such purpose was not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5843]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of CLYMER TELEPHONE COMPANY, INC., under subdivision 1, section 99, Public Service Commissions Law, for permission and approval of the Commission to begin construction of its telephone line, and the certificate of the Commission that public convenience and necessity require such telephone line.

Petition filed December 26, 1916; proofs of publication of notice of application filed January 15, 1917; hearing held at the office of the Commission in the city of Buffalo January 29, 1917. Appearances: Frank H. Mott for Sherman Telephone Company and Ashville and Panama Telephone and Telegraph Company; Albert Neckers, president, and T. F. Kniphuiser, secretary, of Clymer Telephone Company, Inc. This is an application by the Clymer Telephone Company, Inc., under subdivision 1 of section 99 of the Public Service Commissions Law for a certificate of convenience and necessity, and for permission and approval to begin construction of its lines and to exercise a franchise granted by the town board of the Town of Clymer on October 16, 1916. The corporation has already built certain lines and is now doing business in the town of Clymer and also in certain territory in which the Sherman Telephone Company is operating; it is not intended, however, that the operations of the Clymer company shall interfere in any way with the operations of any other telephone company. A stipulation bearing date February 23, 1917, entered into between the applicant, Sherman Telephone Company, and the Ashville and Panama Telephone and Telegraph Company, has been filed with the Commission, which sets forth the understanding between the three corporations as to the territory in which the Clymer company is to operate, as follows: "The Clymer Telephone Company shall confine its operations in the telephone business, as far as the parties hereto are concerned, to the towns of Clymer and French Creek and the southern and western portions of the town of Mina, in the county of Chautauqua; and in operating in the town of Mina, the farthest north that the said Clymer Telephone Company will extend its lines will be to the place commonly known as Findley Lake; that it will not parallel the lines of the Sherman Telephone Company except from French Creek along the Sherman road to the township line between Mina and French Creek the shortest distance: it being the intention of the Clymer Telephone Company to erect poles and string wires in the highway known as the state road in the town of Mina, from Findley Lake and French Creek, and along the roads and highways westerly thereof. In the town of Sherman, it is understood and agreed that the Clymer Telephone Company will erect poles and

string wires only upon the highway known as the old plank road, and upon the said highway only up to the residence of Cornelius Warnshouse." After due deliberation, the Commission having determined that the prayer of the applicant should be granted, it hereby certifies, pursuant to the provisions of subdivision 1 of section 99 of the Public Service Commissions Law, that public convenience and necessity require the construction and operation of telephone lines by the Clymer Telephone Company, Inc., in the towns of Clymer, French Creek, Mina, and Sherman, in the county of Chautauqua, as set forth in stipulation hereinbefore referred to dated February 23, 1917. 2. Permission and approval are given to said Clymer Telephone Company, Inc., to exercise the franchise granted to it by the town board of the Town of Clymer on October 16, 1916, in accordance with the terms and provisions thereof, and to construct, maintain, and operate telephone lines in the towns of Clymer, French Creek, Mina, and Sherman, in Chautauqua county, as hereinbefore set forth.

[Case No. 156]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law for the elimination of grade crossings over the New York and Harlem railroad in the village [now city] of White Plains.

The New York Central Railroad Company has submitted to this Commission a verified statement of expenditures claimed to have been made in carrying out the order herein dated April 10, 1912, such expenditures amounting in the aggregate to \$290,908.83. Included in the amount mentioned is the sum of \$1726.55 expended by the State of New York for account of the elimination project. After careful investigation, involving numerous hearings and conferences, of the account thus presented, this Commission has arrived at the conclusion, as stated in its Opinion duly adopted at a meeting on March 6th, that various of the expenditures set forth in the statement of the railroad corporation are not properly chargeable against the elimination account and accordingly ought not to be included in a determination of the cost of the improvement: the aggregate amount of the expenditures which in the opinion of the Commission has been improperly included in the account being the sum of \$10,688.71, leaving as a balance of the account to be approved by this Commission as properly chargeable against the elimination project the sum of \$280,220.12, of which last mentioned amount the sum of \$278,493.57 has been expended by The New York Central Railroad Company and the sum of \$1726.55 by the State of New York. It is now accordingly

Ordered: 1. That the accounting papers herein of The New York Central Railroad Company now under consideration by this Commission shall be approved after reducing the total amount in said accounting claimed to have been expended by the railroad company in carrying out the order of the Commission by the sum of \$10,688.71, thus showing an aggregate expenditure chargeable to the elimination account of \$280,220.12, upon which basis the amounts chargeable to the parties for their respective shares as fixed and provided by the statute shall be and the same hereby are determined as follows:

	<i>Share</i>	<i>Expended</i>	<i>To pay</i>	<i>To receive</i>
City of White Plains...	$\frac{1}{4}$ of total cost			
State of New York.....				
The New York Central	$\frac{1}{2}$ of total cost			
Railroad Company....				

2. On February 25, 1916, the State of New York paid to The New York Central Railroad Company, on account of its share of the cost of the elimination project, the sum of \$37,500. Upon the amount mentioned the State of New York is entitled to receive credit for interest in the sum of \$187.50, making as a total credit to which the State of New York is entitled, \$37,687.50: leaving as the amount now due and payable to The New York Central Railroad Company by the State the sum of \$30,640.98, together amounting to the sum of \$68,328.48 (said last mentioned sum being the net amount of the State's share of the total allowed expenditure of \$280,220.12 as aforesaid).

3. There is now due and payable to The New York Central Railroad Company by the State of New York as the balance of its one-quarter share of all expenditures which have thus far been determined as properly made for account of this proceeding the sum of \$30,640.98; and there is now due and payable to The New York Central Railroad Company by the City of White Plains as the balance of its one-quarter share of all expenditures which have thus far been determined as properly made for account of this proceeding the sum of \$70,055.03.

[Case No. 5383]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of ALBERT M. FULTON, JR., against MONTICELLO TELEPHONE COMPANY as to charge made for summer telephone service furnished the Fulton House hotel at Monticello, as well as other boarding houses.

The complainant in this case is the proprietor of a hotel at Monticello, N. Y. He filed his complaint with the Commission on January 12, 1916, alleging that the short-term rate charged by the respondent for service at the hotel was excessive, as he was obliged to pay five-sixths of the yearly rate for service covering a period not exceeding three months, and that the company ought to make a substantial reduction in these rates for summer business. At about the time this complaint was filed with the Commission it was contemplating a general investigation into short-term rates throughout the State and so advised the complainant, who stated that it would be satisfactory to him to let the Monticello situation await the outcome of the general investigation. That investigation has been completed and a determination made by the Commission. It appeared that during the year 1915 there were about forty-six seasons subscribers in Monticello, and the average use of telephones for these subscribers for the year was $5\frac{1}{2}$ months; most of them used party lines. As a result of the investigation into the Monticello situation made by the Commission, the respondent has revised its short-term rates, and its schedule for short-term subscribers is more favorable than the one which was in force at the time the complaint was filed. It is well recognized that the telephone company is subjected to a substantial amount of expense in connection with telephone service which must be borne regardless of whether the

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service is taken for one month or for several months, and that this expense should properly be borne by the subscribers, and on that account the short-term rates are somewhat higher proportionately than the rates for annual subscribers. Under the circumstances, therefore, the Commission is of the opinion that the short-term rates which the respondent has now put into effect are reasonable, and should be given a fair trial to determine whether or not any further change is necessary. It is

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of this Commission.

[Case No. 5525]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Investigation of Short-term and Terminating Charges of Certain Telephone Corporations.

April 20, 1916, the Commission, as a result of certain complaints filed, made an order for an investigation as to the justice and reasonableness of short-term and terminating charges of the New York Telephone Company, the Mountain Home Telephone Company, the Monticello Telephone Company, and the Federal Telephone & Telegraph Company. A hearing was held and negotiations entered into between the Commission and the respondent telephone companies, as a result of which the said respondent telephone companies have filed new tariffs substantially reducing the previous short-term and terminating charges. These tariffs are deemed reasonable by the division of telegraphs and telephones of the Commission, and by the Commission, and they are now effective. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5920]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the ERIE RAILROAD COMPANY for consent to the issue of its two-year 5 per cent collateral gold notes to the amount of \$15,000,000.

Petition filed March 1, 1917; hearing held March 5, 1917; report of division of capitalization dated March 6, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized to execute and deliver to the Bankers Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain collateral trust indenture to be dated on or before April 1, 1917, in the form filed herein on the 8th day of March, 1917, to secure an authorized issue of two-year notes, bearing interest at the rate of 5 per cent per annum, to the aggregate face value of \$15,000,000.

2. That upon the execution and delivery of said indenture so authorized there shall be filed with this Commission a copy of the indenture in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by this Commission.

3. That the Erie Railroad Company is hereby authorized to issue \$15,000,000 face value of notes secured by the aforesaid indenture.

4. That said notes of the total face value of \$15,000,000 shall be sold for not less than 98½ per cent of their face value and accrued interest, at which rate, sale of the entire amount of said notes, after payment of a commission of 2 per cent on the face value thereof, the payment of such a commission to the underwriting syndicate and to the bankers not to exceed 2 per cent being hereby approved, will net the Erie Railroad Company \$14,475,000.

5. That said notes of the face value of \$15,000,000 so authorized or the proceeds thereof shall be used and applied solely and exclusively toward the following purposes: (a) For the discharge or lawful refunding of outstanding three-year 5½ per cent notes due April 1, 1917, \$9,280,000; (b) for the reimbursement of the treasury of the petitioner for expenditures made therefrom for capital purposes, being the reinvestment in assets of the proceeds of notes authorized by this Commission by order dated April 1, 1912, in case No. 2845, for the reimbursement of the treasury of the company for expenditures made therefrom for capital purposes for the period from December 31, 1906, to December 31, 1911, \$9,750,000.

6. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by the Erie Railroad Company.

7. That the Erie Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what notes have been sold or otherwise disposed of in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such notes were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of ordering clause No. 5 of this order there shall be shown in detail the amount expended for such purpose during such period of the proceeds of the notes herein authorized; (g) with respect to subdivision (b) of ordering clause No. 5 of this order there shall be shown the amount used for the purpose specified therein during such period of the proceeds of the notes herein authorized. Such reports shall continue to be filed until all of said notes shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no notes were sold or disposed of or proceeds used or expended the report shall set forth such fact.

8. That the Erie Railroad Company is hereby authorized to pledge the following long-term debt, previously authorized to be issued by this Commission, as collateral security for the payment of the notes herein authorized to be issued: \$14,839,000 face value of first consolidated mortgage general lien 4 per cent gold bonds which are now pledged as collateral security for \$9,280,000 face value of three-year 5½ per cent collateral gold notes due April 1, 1917; \$1,000,000 face value of first consolidated mortgage general lien 4 per cent gold bonds authorized to be issued by order dated March 31, 1915, in case No. 4857; \$2,378,000 face value of first consolidated mortgage general lien 4 per cent gold bonds authorized to be issued by order dated May 31, 1916, in case No. 5573; \$8,372,900 face value of general mortgage 4 per cent fifty-year convertible series "D" bonds authorized to be issued by order

dated March 9, 1916, in case No. 5374. It is understood that in addition to the above mentioned bonds to be pledged as collateral security for the payment of the notes herein authorized, certain treasury assets of the Erie Railroad Company are also to be hypothecated as additional collateral as provided for in the collateral indenture authorized and approved herein.

9. That if the \$8,371,000 face value of first consolidated mortgage general lien 4 per cent gold bonds, being a portion of the \$10,457,000 face value authorized to be issued by orders dated March 31, 1908, and June 23, 1909, in cases Nos. 278 and 973 respectively; and the \$5,720,000 face value of general mortgage 4 per cent fifty-year convertible series "D" bonds, being a portion of the \$18,000,000 face value authorized to be issued by order dated March 9, 1916, in case No. 5374, aggregating \$14,091,000 in amount, which said \$14,091,000 of bonds to be pledged as provided in clause No. 8 herein shall be released from said collateral indenture through substitution of other collateral as therein provided, and sold prior to the payment of the notes herein authorized, the proceeds of such sale shall not be used or applied by the Erie Railroad Company without the further order of this Commission.

10. That the authority contained in this order to issue notes is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any notes are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation over the signature of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said notes herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5576]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of LONG ISLAND LIGHTING COMPANY, HUNTINGTON LIGHT AND POWER COMPANY, and HUNTINGTON GAS COMPANY under section 70 of the Public Service Commissions Law for consent to the transfer of franchises, works, and systems of the two last named companies to the first named company; which petition also includes that of the Long Island Lighting Company under section 69 of the Public Service Commissions Law for authority to issue \$120,000 common capital stock, and \$206,000 in first mortgage 5 per cent 25-year gold bonds at 92; and for authority to the Long Island Lighting Company to execute a supplement to its first mortgage bringing the real property to be acquired under the lien.

Petition filed May 17, 1916; report of division of capitalization dated September 13, 1916; report of division of light, heat, and power dated December 22, 1916; companies' comments upon report of division of light,

heat, and power filed January 20, 1968. The report of division of energy resources upon the foregoing records.

Ordered as follows: That the Huntington Light House is hereby authorized to transfer to the Long Island Lighting Company and assets excepting the Huntington Light House, a sum of \$60,000, of the common stock of the Huntington Light House, the Long Island Lighting Company, and the Commission hereby certifies and approves the transfer of the Huntington Light House to the Long Island Lighting Company, and the Commission hereby certifies and approves the transfer of the Huntington Light House to the Long Island Lighting Company.

2. That the ~~Hawaiian Electric Company~~ Hawaiian Electric Company is hereby authorized to sell and lease franchises and sell all of its property and assets to the ~~Island Lighting Company~~ Island Lighting Company, subject however to the ~~approval of the Board of Directors~~ approval of the Board of Directors and the ~~Island Lighting Company~~ Island Lighting Company hereby permits and approves the ~~transfer of the property and assets~~ transfer of the property and assets of the ~~Island Lighting Company~~ Island Lighting Company to the ~~Island Lighting Company~~ Island Lighting Company.

3. That the Long Island Lighting Company is hereby authorized to execute and deliver to the Bankers Trust Company as agent of the Mercantile Trust Company a supplemental indenture and to execute the laws of the State of New York a new indenture to be secured by trust or mortgage dated March 1, 1914, whereby it is authorized to issue 25-year bonds to the amount of \$1,000,000 and to execute the same. A copy of the indenture is attached to the petition herein as Exhibit 14, and that the filing of such supplement is hereby accepted.

4. That upon the execution and the delivery of said second assignment to such mortgage dated March 1, 1934 there shall be filed with this Commission a copy of the same in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the assignment as executed and delivered is the same as that herein approved by the Commission.

5. That the Long Island Lighting Company is hereby authorized to issue \$206,000 face value of its 5 per cent 25-year first mortgage gold bonds under the aforesaid mortgage and supplement thereto.

6. That said bonds of the face value of \$250,000 shall be sold for not less than 92 per cent of their face value and accrued interest to give net proceeds of at least \$189,520.

7. That the Long Island Lighting Company is hereby authorized to issue \$120,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

8. That said stock and bonds of the total par and face value of \$3,000,000 so authorized, or the proceeds thereof, shall be used solely and exclusively for the purchase and acquisition of all of the property and assets of the Huntington Light and Power Company and Huntington Gas Company hereinafter described, upon the following terms and conditions: That as the purchase price allowed herein for the property and assets of the foregoing corporations is predicated upon the statements of the assets of such corporations as of December 31, 1915, reported by the Commission's division of capitalization in its final report herein dated March 10, 1917, it shall only be paid if the assets of those companies exceed the liabilities to be assumed upon the date of the acquisition of the property and assets thereof by the Long Island Lighting Company by at least the amount they exceeded said liabilities on the before mentioned date.

9. That if the said stock and bonds of the total par and face value of \$326,000 shall be sold at such price as will enable the company to realize net proceeds of more than \$309,520, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any other purpose without the further order of the Commission.

10. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Long Island Lighting Company unless any

such pledge or hypothecation shall have been expressly approved and authorized by the Commission.

11. That the Long Island Lighting Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds of the securities herein authorized for the purpose specified herein and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

12. That upon the acquisition of the property and assets of the Huntington Light and Power Company and Huntington Gas Company, all such property shall be entered upon the books of the Long Island Lighting Company at the values as of December 31, 1915, shown in the report of the Commission's divisions summarized in the final report of the division of capitalization dated March 10, 1917, except as the same may be modified by any subsequent duly authorized business transactions of the aforesaid corporations.

13. That within thirty days after the purchases herein authorized have been made, complete statements shall be filed with the Commission, duly verified by the respective secretaries or other executive officers, including (a) details of the changes in the accounts of the Huntington Light and Power Company and Huntington Gas Company in so far as they record the changes in their properties, assets, and liabilities from December 31, 1915, to the date of the transfer of their accounts to the Long Island Lighting Company, which may be as of January 1, 1917; (b) detailed balance sheets of the properties to be transferred to the Long Island Lighting Company as of the date when such transfers are recorded in its accounts; (c) particulars of the entries made upon the books of the Long Island Lighting Company reflecting the acquisition of the properties herein authorized to be acquired; (d) detailed balance sheet of the Long Island Lighting Company as of such date.

14. That none of the expenses incurred by the Long Island Lighting Company in connection with this proceeding except those directly incurred on account of the actual issuance of the capital stock herein authorized shall be charged to fixed capital.

15. That the authority contained in this order to issue securities and to acquire property is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days from the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5577]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of LONG ISLAND LIGHTING COMPANY under section 70 of the Public Service Commissions Law for authority to acquire the entire capital stock of the South Shore Gas Company, and to merge it under section 15, Stock Corporation Law; and under section 69, Public Service Commissions Law, for authority to issue \$63,300 common capital stock.

Petition filed May 17, 1916; report of division of capitalization dated August 28, 1916; report of division of light, heat, and power dated December 18, 1916; company's comments upon report of division of light, heat, and power filed January 30, 1917; hearing held March 7, 1917; final report of division of capitalization dated March 10, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Long Island Lighting Company is hereby authorized to purchase and acquire the entire outstanding common capital stock of the South Shore Gas Company, consisting of 633 shares each of the par value of \$100, aggregating a par value of \$63,300.

2. That the Long Island Lighting Company is hereby authorized to issue \$63,300 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That said stock of the par value of \$63,300 herein authorized, or the proceeds thereof, shall be used solely and exclusively for the purchase and acquisition of the entire outstanding common capital stock of the South Shore Gas Company, consisting of 633 shares each of the par value of \$100, aggregating a total par value of \$63,300.

4. That the Long Island Lighting Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended during the period of the proceeds of the stock herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

5. That this Commission hereby consents that the Long Island Lighting Company may merge into itself the South Shore Gas Company, provided that there shall be stamped or inscribed upon each of the certificates of capital stock of such corporation a legend setting forth that said corporation has been merged by the Long Island Lighting Company as herein authorized; and that at the proper time, to be determined by this Commission, satisfactory proof of such stamping or inscribing said stock certificates in such form as may be prescribed by this Commission shall be submitted to it by said Long Island Lighting Company.

service is taken for one month or for several months, and that this expense should properly be borne by the subscribers, and on that account the short-term rates are somewhat higher proportionately than the rates for annual subscribers. Under the circumstances, therefore, the Commission is of the opinion that the short-term rates which the respondent has now put into effect are reasonable, and should be given a fair trial to determine whether or not any further change is necessary. It is

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of this Commission.

[Case No. 5525]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Investigation of Short-term and Terminating Charges of Certain Telephone Corporations.

April 20, 1916, the Commission, as a result of certain complaints filed, made an order for an investigation as to the justice and reasonableness of short-term and terminating charges of the New York Telephone Company, the Mountain Home Telephone Company, the Monticello Telephone Company, and the Federal Telephone & Telegraph Company. A hearing was held and negotiations entered into between the Commission and the respondent telephone companies, as a result of which the said respondent telephone companies have filed new tariffs substantially reducing the previous short-term and terminating charges. These tariffs are deemed reasonable by the division of telegraphs and telephones of the Commission, and by the Commission, and they are now effective. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 5920]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the ERIE RAILROAD COMPANY for consent to the issue of its two-year 5 per cent collateral gold notes to the amount of \$15,000,000.

Petition filed March 1, 1917; hearing held March 5, 1917; report of division of capitalization dated March 6, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized to execute and deliver to the Bankers Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain collateral trust indenture to be dated on or before April 1, 1917, in the form filed herein on the 8th day of March, 1917, to secure an authorized issue of two-year notes, bearing interest at the rate of 5 per cent per annum, to the aggregate face value of \$15,000,000.

2. That upon the execution and delivery of said indenture so authorized there shall be filed with this Commission a copy of the indenture in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by this Commission.

3. That the Erie Railroad Company is hereby authorized to issue \$15,000,000 face value of notes secured by the aforesaid indenture.

4. That said notes of the total face value of \$15,000,000 shall be sold for not less than 98½ per cent of their face value and accrued interest, at which rate, sale of the entire amount of said notes, after payment of a commission of 2 per cent on the face value thereof, the payment of such a commission to the underwriting syndicate and to the bankers not to exceed 2 per cent being hereby approved, will net the Erie Railroad Company \$14,475,000.

5. That said notes of the face value of \$15,000,000 so authorized or the proceeds thereof shall be used and applied solely and exclusively toward the following purposes: (a) For the discharge or lawful refunding of outstanding three-year 5½ per cent notes due April 1, 1917, \$9,280,000; (b) for the reimbursement of the treasury of the petitioner for expenditures made therefrom for capital purposes, being the reinvestment in assets of the proceeds of notes authorized by this Commission by order dated April 1, 1912, in case No. 2845, for the reimbursement of the treasury of the company for expenditures made therefrom for capital purposes for the period from December 31, 1906, to December 31, 1911, \$9,750,000.

6. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by the Erie Railroad Company.

7. That the Erie Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what notes have been sold or otherwise disposed of in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such notes were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of ordering clause No. 5 of this order there shall be shown in detail the amount expended for such purpose during such period of the proceeds of the notes herein authorized; (g) with respect to subdivision (b) of ordering clause No. 5 of this order there shall be shown the amount used for the purpose specified therein during such period of the proceeds of the notes herein authorized. Such reports shall continue to be filed until all of said notes shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no notes were sold or disposed of or proceeds used or expended the report shall set forth such fact.

8. That the Erie Railroad Company is hereby authorized to pledge the following long-term debt, previously authorized to be issued by this Commission, as collateral security for the payment of the notes herein authorized to be issued: \$14,839,000 face value of first consolidated mortgage general lien 4 per cent gold bonds which are now pledged as collateral security for \$9,280,000 face value of three-year 5½ per cent collateral gold notes due April 1, 1917; \$1,000,000 face value of first consolidated mortgage general lien 4 per cent gold bonds authorized to be issued by order dated March 31, 1915, in case No. 4857; \$2,378,000 face value of first consolidated mortgage general lien 4 per cent gold bonds authorized to be issued by order dated May 31, 1916, in case No. 5573; \$8,372,900 face value of general mortgage 4 per cent fifty-year convertible series "D" bonds authorized to be issued by order

dated March 9, 1916, in case No. 5374. It is understood that in addition to the above mentioned bonds to be pledged as collateral security for the payment of the notes herein authorized, certain treasury assets of the Erie Railroad Company are also to be hypothecated as additional collateral as provided for in the collateral indenture authorized and approved herein.

9. That if the \$8,371,000 face value of first consolidated mortgage general lien 4 per cent gold bonds, being a portion of the \$10,457,000 face value authorized to be issued by orders dated March 31, 1908, and June 23, 1909, in cases Nos. 278 and 973 respectively; and the \$5,720,000 face value of general mortgage 4 per cent fifty-year convertible series "D" bonds, being a portion of the \$18,000,000 face value authorized to be issued by order dated March 9, 1916, in case No. 5374, aggregating \$14,091,000 in amount, which said \$14,091,000 of bonds to be pledged as provided in clause No. 8 herein shall be released from said collateral indenture through substitution of other collateral as therein provided, and sold prior to the payment of the notes herein authorized, the proceeds of such sale shall not be used or applied by the Erie Railroad Company without the further order of this Commission.

10. That the authority contained in this order to issue notes is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any notes are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation over the signature of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said notes herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5576]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 14th day
of March, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of LONG ISLAND LIGHTING COMPANY, HUNTINGTON LIGHT AND POWER COMPANY, and HUNTINGTON GAS COMPANY under section 70 of the Public Service Commissions Law for consent to the transfer of franchises, works, and systems of the two last named companies to the first named company; which petition also includes that of the Long Island Lighting Company under section 69 of the Public Service Commissions Law for authority to issue \$120,000 common capital stock, and \$206,000 in first mortgage 5 per cent 25-year gold bonds at 92; and for authority to the Long Island Lighting Company to execute a supplement to its first mortgage bringing the real property to be acquired under the lien.

Petition filed May 17, 1916; report of division of capitalization dated September 13, 1916; report of division of light, heat, and power dated December 22, 1916; companies' comments upon report of division of light,

heat, and power filed January 30, 1917; hearing held March 7, 1917; final report of division of capitalization dated March 10, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Huntington Light and Power Company is hereby authorized to transfer its franchises, and sell all of its property and assets excepting its investment in 600 shares, aggregating a par value of \$60,000, of the common capital stock of the Huntington Gas Company, to the Long Island Lighting Company, subject however to its current liabilities; and the Commission hereby permits and approves the transfer to and acquisition by the Long Island Lighting Company of such property and assets of the Huntington Light and Power Company.

2. That the Huntington Gas Company is hereby authorized to transfer its franchises and sell all of its property and assets to the Long Island Lighting Company, subject however to its current liabilities; and the Commission hereby permits and approves the transfer to and acquisition by the Long Island Lighting Company of such property and assets of the Huntington Gas Company.

3. That the Long Island Lighting Company is hereby authorized to execute and deliver to the Bankers Trust Company, as successor trustee by merger to the Mercantile Trust Company, a corporation organized and existing under the laws of the State of New York, a second supplement to its deed of trust or mortgage dated March 1, 1911, securing an authorized issue of 5 per cent 25-year bonds to the aggregate amount of \$6,000,000, a copy of which supplement is attached to the petition herein as exhibit 14; and that the form of such supplement is hereby approved.

4. That upon the execution and the delivery of said second supplement to such mortgage dated March 1, 1911, there shall be filed with this Commission a copy of the same in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the supplement as executed and delivered is the same as that herein approved by the Commission.

5. That the Long Island Lighting Company is hereby authorized to issue \$206,000 face value of its 5 per cent 25-year first mortgage gold bonds under the aforesaid mortgage and supplement thereto.

6. That said bonds of the face value of \$206,000 shall be sold for not less than 92 per cent of their face value and accrued interest to give net proceeds of at least \$189,520.

7. That the Long Island Lighting Company is hereby authorized to issue \$120,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

8. That said stock and bonds of the total par and face value of \$326,000 so authorized, or the proceeds thereof, shall be used solely and exclusively for the purchase and acquisition of all of the property and assets of the Huntington Light and Power Company and Huntington Gas Company hereinbefore described, upon the following terms and conditions: That as the purchase price allowed herein for the property and assets of the foregoing corporations is predicated upon the statements of the assets of such corporations as of December 31, 1915, reported by the Commission's division of capitalization in its final report herein dated March 10, 1917, it shall only be paid if the assets of those companies exceed the liabilities to be assumed upon the date of the acquisition of the property and assets thereof by the Long Island Lighting Company by at least the amount they exceeded said liabilities on the before mentioned date.

9. That if the said stock and bonds of the total par and face value of \$326,000 shall be sold at such price as will enable the company to realize net proceeds of more than \$309,520, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any other purpose without the further order of the Commission.

10. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Long Island Lighting Company unless any

such pledge or hypothecation shall have been expressly approved and authorized by the Commission.

11. That the Long Island Lighting Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds of the securities herein authorized for the purpose specified herein and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

12. That upon the acquisition of the property and assets of the Huntington Light and Power Company and Huntington Gas Company, all such property shall be entered upon the books of the Long Island Lighting Company at the values as of December 31, 1915, shown in the report of the Commission's divisions summarized in the final report of the division of capitalization dated March 10, 1917, except as the same may be modified by any subsequent duly authorized business transactions of the aforesaid corporations.

13. That within thirty days after the purchases herein authorized have been made, complete statements shall be filed with the Commission, duly verified by the respective secretaries or other executive officers, including (a) details of the changes in the accounts of the Huntington Light and Power Company and Huntington Gas Company in so far as they record the changes in their properties, assets, and liabilities from December 31, 1915, to the date of the transfer of their accounts to the Long Island Lighting Company, which may be as of January 1, 1917; (b) detailed balance sheets of the properties to be transferred to the Long Island Lighting Company as of the date when such transfers are recorded in its accounts; (c) particulars of the entries made upon the books of the Long Island Lighting Company reflecting the acquisition of the properties herein authorized to be acquired; (d) detailed balance sheet of the Long Island Lighting Company as of such date.

14. That none of the expenses incurred by the Long Island Lighting Company in connection with this proceeding except those directly incurred on account of the actual issuance of the capital stock herein authorized shall be charged to fixed capital.

15. That the authority contained in this order to issue securities and to acquire property is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days from the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5577]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHTE,

Commissioners.

In the matter of the Petition of LONG ISLAND LIGHTING COMPANY under section 70 of the Public Service Commissions Law for authority to acquire the entire capital stock of the South Shore Gas Company, and to merge it under section 15, Stock Corporation Law; and under section 69, Public Service Commissions Law, for authority to issue \$63,300 common capital stock.

Petition filed May 17, 1916; report of division of capitalization dated August 28, 1916; report of division of light, heat, and power dated December 18, 1916; company's comments upon report of division of light, heat, and power filed January 30, 1917; hearing held March 7, 1917; final report of division of capitalization dated March 10, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Long Island Lighting Company is hereby authorized to purchase and acquire the entire outstanding common capital stock of the South Shore Gas Company, consisting of 633 shares each of the par value of \$100, aggregating a par value of \$63,300.

2. That the Long Island Lighting Company is hereby authorized to issue \$63,300 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That said stock of the par value of \$63,300 herein authorized, or the proceeds thereof, shall be used solely and exclusively for the purchase and acquisition of the entire outstanding common capital stock of the South Shore Gas Company, consisting of 633 shares each of the par value of \$100, aggregating a total par value of \$63,300.

4. That the Long Island Lighting Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended during the period of the proceeds of the stock herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

5. That this Commission hereby consents that the Long Island Lighting Company may merge into itself the South Shore Gas Company, provided that there shall be stamped or inscribed upon each of the certificates of capital stock of such corporation a legend setting forth that said corporation has been merged by the Long Island Lighting Company as herein authorized; and that at the proper time, to be determined by this Commission, satisfactory proof of such stamping or inscribing said stock certificates in such form as may be prescribed by this Commission shall be submitted to it by said Long Island Lighting Company.

6. That within thirty days after such merger shall have become effective the Long Island Lighting Company shall file with this Commission a verified report setting forth the exact date of such merger.

7. That upon the merger of the South Shore Gas Company with the Long Island Lighting Company all of the property of the former shall be entered upon the books of the Long Island Lighting Company at the values shown for such property as of December 31, 1915, in the reports of the Commission's divisions as summarized in the final report of the division of capitalization dated March 10, 1917, except as the same may be modified by any subsequent duly authorized business transactions of the aforesaid corporation to the date of the transfer of the accounts.

8. That within thirty days after the merger herein authorized complete statements shall be filed with the Commission, duly authorized by the respective secretaries or other executive officers, including (a) details of the changes in the accounts of the South Shore Gas Company in so far as they record the changes in its property, assets, and liabilities from December 31, 1915, to the date of the transfer of its accounts to the Long Island Lighting Company, which may be as of January 1, 1917; (b) detailed balance sheet of the property to be merged by the Long Island Lighting Company as of the date such transaction is recorded in its accounts; (c) particulars of the entries made upon the books of the Long Island Lighting Company reflecting the acquisition of the property herein authorized to be merged; (d) detailed balance sheet of the Long Island Lighting Company as of such date.

9. That the Long Island Lighting Company shall charge to an account to be called "Suspense to be Amortized" the amount of \$21,651.09, shown on the adjusted balance sheet of the South Shore Gas Company as of December 31, 1915, in the hereinbefore described final report of the Commission's division of capitalization, as modified by subsequent duly authorized business transactions, which suspense account shall be amortized within fifteen years from January 1, 1917, in equal annual instalments, by charges to the prescribed account "Contractual Deductions from Income"; provided that said company may amortize the said sum more rapidly than herein provided by crediting the account "Suspense to be Amortized" and debiting the account "Corporate Surplus" with the excess so credited over the amount required herein.

10. That none of the expenses incurred by the Long Island Lighting Company in connection with this proceeding except those directly incurred on account of the actual issuance of the capital stock herein authorized shall be charged to fixed capital.

11. That the authority contained in this order to issue stock and to merge is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days from the service hereof the said company shall file with this Commission a satisfactory verified stipulation over the signature of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as above provided.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5578]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

In the matter of the Petition of LONG ISLAND LIGHTING COMPANY under section 70, Public Service Commissions Law, for authority to acquire the entire capital stock of the Suffolk Gas and Electric Light Company, and to merge it under section 15, Stock Corporation Law; and under section 69, Public Service Commissions Law, for authority to issue \$200,000 common capital stock.

Petition filed May 17, 1916; report of division of capitalization dated October 11, 1916; report of division of light, heat, and power dated January 12, 1917; company's comments upon report of division of light, heat, and power filed January 30, 1917; hearing held March 7, 1917; final report of division of capitalization dated March 10, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Long Island Lighting Company is hereby authorized to purchase and acquire the entire outstanding common capital stock of the Suffolk Gas and Electric Light Company, consisting of 2000 shares each of the par value of \$100, aggregating a par value of \$200,000.

2. That the Long Island Lighting Company is hereby authorized to issue \$200,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That said stock of the par value of \$200,000 herein authorized, or the proceeds thereof, shall be used solely and exclusively for the purchase and acquisition of the entire outstanding common capital stock of the Suffolk Gas and Electric Light Company, consisting of 2000 shares each of the par value of \$100, aggregating a total par value of \$200,000.

4. That the Long Island Lighting Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended during the period of the proceeds of the stock herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

5. That this Commission hereby consents that the Long Island Lighting Company may merge into itself the Suffolk Gas and Electric Light Company, provided that there shall be stamped or inscribed upon each of the certificates of capital stock of such corporation a legend setting forth that said corporation has been merged by the Long Island Lighting Company as herein authorized; and that at the proper time, to be determined by this Commission, satisfactory proof of such stamping or inscribing of said stock certificates in such form as may be prescribed by this Commission shall be submitted to it by said Long Island Lighting Company.

6. That within thirty days after such merger shall have become effective the Long Island Lighting Company shall file with the Commission a verified report setting forth the exact date of such merger.

7. That upon the merger of the Suffolk Gas and Electric Light Company with the Long Island Lighting Company, all of the property of the former shall be entered upon the books of the Long Island Lighting Company at the values shown for such property as of December 31, 1915, in the reports of the Commission's divisions as summarized in the final report of the division of capitalization dated March 10, 1917, except as the same may be modified by any subsequent duly authorized business transactions of the aforesaid corporation to the date of the transfer of the accounts.

8. That within thirty days after the merger herein authorized complete statements shall be filed with the Commission, duly authorized by the respective secretaries or other executive officers, including (a) details of the changes in the accounts of the Suffolk Gas and Electric Light Company in so far as they record the changes in its property, assets, and liabilities from December 31, 1915, to the date of the transfer of its accounts to the Long Island Lighting Company, which may be as of January 1, 1917; (b) detailed balance sheet of the property to be merged by the Long Island Lighting Company as of the date such transaction is recorded in its accounts; (c) particulars of the entries made upon the books of the Long Island Lighting Company reflecting the acquisition of the property herein authorized to be merged; (d) detailed balance sheet of the Long Island Lighting Company as of such date.

9. That the Long Island Lighting Company shall charge to an account to be called "Suspense to be Amortized" the amount of \$94,647.40, shown on the adjusted balance sheet of the Suffolk Gas and Electric Light Company as of December 31, 1915, in the hereinbefore described final report of the Commission's division of capitalization, as modified by subsequent duly authorized business transactions, which suspense account shall be amortized within fifteen years from January 1, 1917, in equal annual instalments, by charges to the prescribed account "Contractual Deductions from Income"; provided that said company may amortize the said sum more rapidly than herein provided by crediting the account "Suspense to be Amortized" and debiting the account "Corporate Surplus" with the excess so credited over the amount required herein.

10. That none of the expenses incurred by the Long Island Lighting Company in connection with this proceeding except those directly incurred on account of the actual issuance of the capital stock herein authorized shall be charged to fixed capital.

11. That the authority contained in this order to issue stock and to merge is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days from the service hereof the said company shall file with this Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5869]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of March, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54, Public Service Commissions Law, for authority to purchase the entire capital stock of the Fulton Chain Railway Company, and the entire capital stock of the Raquette Lake Railway Company.

By petition filed January 14, 1917, The New York Central Railroad Company applied for authority to acquire and hold the entire outstanding capital stock of the Fulton Chain Railway Company consisting of \$21,000 par value of common capital stock, and the entire outstanding capital stock of the Raquette Lake Railway Company consisting of \$250,000 par value common capital stock. It has been shown that an agreement has been reached between the applicant and the holders of the entire issues of the outstanding capital stocks and the bonds of these two railroad companies, to the effect that in consideration of the transfer to The New York Central Railroad Company of all said capital stocks and bonds of these companies: such bonds consisting of Fulton Chain Railway Company, \$21,000 5 per cent first mortgage bonds and \$21,000 6 per cent income mortgage bonds; and Raquette Lake Railway Company, \$250,000 5 per cent first mortgage bonds; The New York Central Railroad Company would cancel and discharge the total indebtedness of these two companies to itself, which approximates \$50,000. The agreement further provides that at the time these stocks and bonds are transferred to The New York Central Railroad Company these two railroad companies will be free and clear of all indebtedness, other than the mortgage bonds above mentioned, except such indebtedness as there may be for wages of operatives and to other railroad companies for traffic and claim balances. It further provides, as an aid in satisfying the debts which are to be paid before the capital stock is to be transferred to The New York Central Railroad Company, that there may be withdrawn from the treasuries of the Fulton Chain Railway Company and the Raquette Lake Railway Company all bonds and notes of the Raquette Lake Transportation Company and of the Fulton Navigation Company which they or either of them may own, but none other of their assets is to be withdrawn prior to the transfer. On December 31, 1916, the assets which might be withdrawn from the treasuries of these companies before the transfers consisted of \$35,000 face value income bonds of Fulton Navigation Company carried on the books of the Raquette Lake Railway Company at \$14,000; and \$3500 loan account due from Fulton Navigation Company and \$14,500 loan account due from Raquette Lake Transportation Company owing to the Fulton Chain Railway Company. It further appears that upon the acquisition by The New York Central Railroad Company of the above described outstanding bonds of the Fulton Chain Railway Company and the Raquette Lake Railway Company, said bonds will be canceled and the mortgages securing them discharged of record. A public hearing was held upon this application on March 2, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The New York Central Railroad Company is hereby authorized to acquire and hold the entire outstanding capital stocks of the following companies: Raquette Lake Railway Company, 2500 shares each of the par value of \$100, aggregating \$250,000; Fulton Chain Railway Company, 210 shares each of the par value of \$100, aggregating \$21,000.

2. That The New York Central Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing what stock of the Fulton Chain Railway Company and Raquette Lake Railway Company has been acquired under the authority of this order and the date of such acquisition. Such reports shall continue to be filed until all of the stock of the aforesaid companies shall have been acquired, and if during any period no stock was acquired the report shall set forth such fact. Upon the acquisition of the entire capital stocks of the Fulton Chain Railway Company and the Raquette Lake Railway Company the petitioner shall file with this Commission a statement verified by an executive officer showing what treasury assets of the Fulton Chain Railway Company and the Raquette Lake Railway Company have been released and what of their obligations have been paid; and that the bonds secured by the mortgages on the property and income of the Fulton Chain Railway Company and on the property of the Raquette Lake Railway Company, the aggregate of which bonds now constituting the entire funded obligations of said companies, have been canceled, and that the mortgages securing said bonds have been discharged of record.

3. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 348]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of THE DELAWARE AND HUDSON COMPANY under subdivision 10 of section 4 of the Railroad Law for consent to the execution of a first and refunding mortgage upon its property, rights, and franchises, covering \$50,000,000 coupon or registered gold bonds maturing May 1, 1943; and for authority under section 55 of the Public Service Commissions Law to issue bonds under said mortgage to the amount of \$26,500,000.

Fifth
supplemental
order.

By order herein dated July 7, 1908, The Delaware and Hudson Company was authorized to execute a mortgage for \$50,000,000, and to issue upon the security thereof \$19,809,000 face value of 4 per cent 25-year first and refunding mortgage gold bonds: \$6,500,000 face value of such bonds were to be used for the sole purpose of retiring or paying off outstanding underlying bonds including \$5,000,000 face value of 7 per cent bonds issued under a mortgage dated August 13, 1877, given to the Union Trust Company of New York as trustee, which mature September 1, 1917. Clause 2 of such order provided that "except as the said bonds hereby authorized to be issued shall be exchanged par value for par value for the present outstanding bonds without payment of premium in any form upon such exchange by the applicant, the terms of such exchange or of the sale of bonds hereby authorized shall first be submitted to the Commission for approval. . . ." Under date of March 3, 1917, the company filed a supplemental petition asking for authority to sell for not less than 94 per cent of their face value and accrued interest \$5,000,000 of the \$6,500,000 face value of bonds described above, and to apply

the proceeds realized therefrom toward the retirement of the outstanding 7 per cent bonds at their face value. Now therefore, upon the foregoing record,

Ordered as follows: 1. That clause 2 of the order herein dated July 7, 1908, is hereby amended to authorize the sale by The Delaware and Hudson Company for not less than 94 per cent of their face value and accrued interest, of \$5,000,000 face value of 4 per cent 25-year first and refunding mortgage gold bonds, therein authorized to be issued at their face value, and also to authorize the application of such proceeds toward the retirement of \$5,000,000 face value of 7 per cent bonds which mature on September 1, 1917.

2. That The Delaware and Hudson Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended of the proceeds of the bonds herein authorized for the purpose specified herein during such period. Such reports shall continue to be filed until all of said bonds shall be sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the bonds heretofore and herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 1519]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany, on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARNITE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

In accordance with an order dated June 15, 1916, the Erie Railroad Company, the City of Jamestown, and the State of New York have entered into a second intermediate accounting of expenses incurred by each to June 1, 1916, for the elimination of the Main Street, Institute Street, and West Second Street grade crossings of the Erie railroad in the city of Jamestown, said accounting having been accepted by the Erie Railroad Company as indicated by the signature of its comptroller, and by the City of Jamestown as indicated by the signature of its mayor. The parties to this accounting, as shown by their respective verified bills, have expended since the beginning of the work to June 1, 1916, the following total sums, exclusive of interest which is to be adjusted in the final accounting: the Erie Railroad Company (including a charge of \$30,559.86 for "Engineering"), \$206,993.43; the City of Jamestown, \$3708.09; the State of New York, \$1223.52: together making a total expenditure of \$211,925.04.

From the total sum of \$30,559.86 for "Engineering" charges included in the railroad corporation's bill, there should be deducted the sum of \$1128.70 for "Professional Services," the railroad company's representatives at a conference held in Buffalo on March 14, 1916, having agreed to such reduction if in the opinion of the Commission this item is not one which is properly chargeable to the project; leaving as a balance for "Engineering" to be included in the accounting the sum of \$29,431.16. The total of the railroad company's bill is \$206,993.43; deducting \$1128.70 leaves a total expenditure by the railroad company of \$205,864.73, and a total expenditure for the entire project of \$210,796.34, of which the shares of the parties in interest and their respective amounts remaining payable are set forth in the following table:

	<i>Expended ½ of total</i>	<i>Share</i>	<i>To pay</i>	<i>To receive</i>
Erie Railroad Company..	\$205,864.73	\$105,398.18	.....	\$100,466.54
	<i>¼ of total</i>			
City of Jamestown.....	3,708.09	52,699.08	\$48,990.99	.....
State of New York.....	1,223.52	52,699.08	51,475.46	.....
	<hr/>	<hr/>	<hr/>	<hr/>
	\$210,796.34	\$210,796.34	\$100,466.45	\$100,466.45

The share of the State of New York in the total expenses incurred to date in accordance with the foregoing table, is the sum of \$52,699.08. The State of New York on January 7, 1916, paid to the Erie Railroad Company on the first intermediate accounting the sum of \$26,163.12. The State has expended in connection with this work the sum of \$1223.50: \$27,386.64; leaving as a balance now due and payable by the State to the Erie Railroad Company on this second intermediate accounting, \$25,312.44.

The share of the City of Jamestown as fixed by the foregoing table is \$52,699.08, upon which it is entitled to credits as follows: expenses of the city, \$3708.09; paid by the city to the Erie Railroad Company on the first intermediate accounting, \$23,257.44: \$26,965.53; leaving an amount now due and payable by the City of Jamestown to the Erie Railroad Company of \$25,733.55. Therefore

Ordered: 1. That the bill of the City of Jamestown of \$3708.09 be and it is hereby approved.

2. That the bill of the Erie Railroad Company be reduced by the sum of \$1128.70, making the total of said Erie Railroad Company's bill \$205,864.73.

3. That there is now due and properly payable by the State of New York to the Erie Railroad Company for account of this proceeding the sum of \$25,312.44.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Upon the recommendation of the Erie Railroad Company as indicated by the signatures of its chief engineer, assistant chief engineer, and engineer of bridges and buildings, upon a detail plan, sheet No. 17, revised 2/12/17, show-

ing a retaining wall on the south side of the tracks between stations 722+93.66 and 725+32.86, said wall being necessary to carry into effect the Commission's determination in the matter above entitled; and upon the approval of the local authorities as similarly indicated by the signature on said plan of the city engineer, it is

Ordered: That this plan be and it is hereby approved by this Commission and shall supersede a similar plan heretofore approved on January 16, 1917.

[Case No. 1519]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,

WM. TEMPLE EMMET,

FRANK IRVINE,

JAMES O. CARR,

JOHN A. BARHITE,

Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

The Erie Railroad Company has applied to this Commission for (a) an approval of a change in the specifications for damp proofing the rear of its retaining walls and abutments by adding thereto a requirement for an application of a primary coat of creosote oil in advance of the pitch, which according to the specifications as heretofore approved is to be applied directly to the masonry; and (b) for an approval of a unit price of two cents per square foot of wall surface to cover the cost of material and labor required for the application of such oil. This matter was considered by the Commission at a conference in Buffalo, N. Y., on March 14th instant, attended by W. S. Parsons and others of the engineering department of the Erie Railroad Company, and by the city engineer and corporation counsel of the City of Jamestown, and as the result of such conference the Commission is convinced that the proposed change in specifications will result in a superior construction and is proper and necessary, in which conclusion the representatives of both the city and the railroad company concurred. The total additional cost based on the above stated price per square foot of surface is estimated at \$2400. Therefore

Ordered: 1. That this Commission hereby assents to and approves the proposed change in the specifications for the damp proofing of masonry by adding thereto the requirement of an application of a coat of creosote oil.

2. That a unit price of two cents per square foot quoted by the masonry contractor for the material and labor required to carry into effect such change in specifications be and it is hereby approved, and that the resulting additional cost may properly be charged upon the elimination project.

From the total sum of \$30,559.86 for "Engineering" charges included in the railroad corporation's bill, there should be deducted the sum of \$1128.70 for "Professional Services," the railroad company's representatives at a conference held in Buffalo on March 14, 1916, having agreed to such reduction if in the opinion of the Commission this item is not one which is properly chargeable to the project; leaving as a balance for "Engineering" to be included in the accounting the sum of \$29,431.16. The total of the railroad company's bill is \$206,993.43; deducting \$1128.70 leaves a total expenditure by the railroad company of \$205,864.73, and a total expenditure for the entire project of \$210,796.34, of which the shares of the parties in interest and their respective amounts remaining payable are set forth in the following table:

	<i>Expended ½ of total</i>	<i>Share</i>	<i>To pay</i>	<i>To receive</i>
Erie Railroad Company..	\$205,864.73	\$105,398.18	.....	\$100,466.54
City of Jamestown.....	<i>¼ of total</i> 3,708.09	52,699.08	\$48,990.99	.....
State of New York.....	1,223.52	52,699.08	51,475.46	.....
	<hr/> \$210,796.34	<hr/> \$210,796.34	<hr/> \$100,466.45	<hr/> \$100,466.45

The share of the State of New York in the total expenses incurred to date, in accordance with the foregoing table, is the sum of \$52,699.08. The State of New York on January 7, 1916, paid to the Erie Railroad Company on the first intermediate accounting the sum of \$26,163.12. The State has expended in connection with this work the sum of \$1223.50: \$27,386.64; leaving as a balance now due and payable by the State to the Erie Railroad Company on this second intermediate accounting, \$25,312.44.

The share of the City of Jamestown as fixed by the foregoing table is \$52,699.08, upon which it is entitled to credits as follows: expenses of the city, \$3708.09; paid by the city to the Erie Railroad Company on the first intermediate accounting, \$23,257.44: \$26,965.53; leaving an amount now due and payable by the City of Jamestown to the Erie Railroad Company of \$25,733.55. Therefore

Ordered: 1. That the bill of the City of Jamestown of \$3708.09 be and it is hereby approved.

2. That the bill of the Erie Railroad Company be reduced by the sum of \$1128.70, making the total of said Erie Railroad Company's bill \$205,864.73.

3. That there is now due and properly payable by the State of New York to the Erie Railroad Company for account of this proceeding the sum of \$25,312.44.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Upon the recommendation of the Erie Railroad Company as indicated by the signatures of its chief engineer, assistant chief engineer, and engineer of bridges and buildings, upon a detail plan, sheet No. 17, revised 2/12/17, show-

ing a retaining wall on the south side of the tracks between stations 722+93.66 and 725+32.86, said wall being necessary to carry into effect the Commission's determination in the matter above entitled; and upon the approval of the local authorities as similarly indicated by the signature on said plan of the city engineer, it is

Ordered: That this plan be and it is hereby approved by this Commission and shall supersede a similar plan heretofore approved on January 16, 1917.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MAYOR AND
COMMON COUNCIL OF THE CITY OF JAMESTOWN for
the elimination of certain grade crossings of high-
ways over the tracks of the Erie Railroad Company
in the city of Jamestown.

The Erie Railroad Company has applied to this Commission for (a) an approval of a change in the specifications for damp proofing the rear of its retaining walls and abutments by adding thereto a requirement for an application of a primary coat of creosote oil in advance of the pitch, which according to the specifications as heretofore approved is to be applied directly to the masonry; and (b) for an approval of a unit price of two cents per square foot of wall surface to cover the cost of material and labor required for the application of such oil. This matter was considered by the Commission at a conference in Buffalo, N. Y., on March 14th instant, attended by W. S. Parsons and others of the engineering department of the Erie Railroad Company, and by the city engineer and corporation counsel of the City of Jamestown, and as the result of such conference the Commission is convinced that the proposed change in specifications will result in a superior construction and is proper and necessary, in which conclusion the representatives of both the city and the railroad company concurred. The total additional cost based on the above stated price per square foot of surface is estimated at \$2400. Therefore

Ordered: 1. That this Commission hereby assents to and approves the proposed change in the specifications for the damp proofing of masonry by adding thereto the requirement of an application of a coat of creosote oil.

2. That a unit price of two cents per square foot quoted by the masonry contractor for the material and labor required to carry into effect such change in specifications be and it is hereby approved, and that the resulting additional cost may properly be charged upon the elimination project.

162 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Ordered: That this Commission hereby grants the petition of the Erie Railroad Company for the approval of contracts entered into by said company with the Watson Manufacturing Company, S. M. Flickinger Company, Inc., and the Warren and Jamestown Street Railway Company, said contracts providing for the acquisition of a strip of land two feet wide on the south side of the tracks and an easement on land exterior to said strip, however at no cost to either the Erie Railroad Company, the City of Jamestown, or the State of New York, for the purpose of placing on said two-foot strip and land covered by said easement a retaining wall required by the approved **elimination plan**, provided said wall be constructed on certain specified designs as shown upon detail plans presented to the Commission with the petition, these plans having been approved by the City of Jamestown as shown by a certified copy of a resolution passed by the common council on December 18, 1916; it being understood by the Commission that the cost of said wall to the State will not be increased by reason of such designs and the acquisition of said property and easement.

[Case No. 4108]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration as to the manner in which state highway No. 5346 crosses the tracks of the St. Lawrence and Adirondack divisions of the New York Central and Hudson River railroad about 0.6 mile north of Remsen station, in the town of Remsen, Oneida county, N. Y.; and

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the Sawmill highway and Phelps highway grade crossings of the tracks of the St. Lawrence and Adirondack divisions of the New York Central and Hudson River railroad, the Phelps highway crossing being located north and the Sawmill highway crossing being located south of the state highway crossing.

That part of the work covered by the Commission's order of December 1, 1914, not relating to the improvement of a roadway leading northerly from the Sawmill road and to the approaches connecting with the overgrade crossing on the east side of the railroad tracks, having been completed in compliance with the terms of said order to the satisfaction of the State Commission of Highways, The New York Central Railroad Company, and this Commission, it is

Ordered: That all of the completed work, including (a) reinforced concrete and earth embankment approach on the state highway east of the tracks; (b) reinforced concrete and earth embankment approach on the state highway west of the tracks; (c) the overgrade crossing structure; (d) the new highway and approach connections with the Phelps road; and (e) the deepening of the channel of Cincinnati creek, be and it is hereby approved.

164 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4139]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the CLIFF ELECTRICAL DISTRIBUTING COMPANY for an order permitting it to issue additional capital stock to the amount of \$150,000 under section 69 of the Public Service Commissions Law.

Third amendatory and supplemental order.

By order entered herein on the 31st day of March, 1914, as amended on November 9, 1915, and July 26, 1916, the Cliff Electrical Distributing Company was authorized to issue \$150,000 par value of its capital stock, and to use the proceeds realized from the sale thereof at par for new construction as indicated in such order. All of the stock so authorized has been sold, and according to verified reports of the disposition of proceeds of such stock it appears that expenditures have been made for all the purposes for which the proceeds were to be used with the exception of subdivision (c) of clause 3 of such order, as follows: "Conduit and cable line from its North End sub-station to the plants of the Titanium Alloy Manufacturing Company and Frontier Brick Company, \$8896.39"; and that cash authorized to be expended for said purpose remains unexpended in the treasury of the company. By supplemental petition filed under date of January 24, 1917, the company asks for permission to apply such remaining unexpended proceeds toward the purposes listed therein, aggregating \$9458.04. Such petition was referred to the Commission's division of light, heat, and power, and its report thereon is dated February 10, 1917. Now therefore, upon the foregoing record,

Ordered: That subdivision (c) of ordering clause 3 of the order herein dated March 31, 1914, as amended on July 26, 1916, is hereby further amended by the substitution therefor of the following:

(c) Accessory electric power equipment.....	\$4,289.58
Sub-station equipment	8,132.10
Electric meters	2,036.36
	<hr/>
	\$9,458.04

as detailed in the supplemental petition herein filed on January 24, 1917.

Finally, it is determined and stated that in the opinion of the Commission the use of a portion of the proceeds of the stock heretofore authorized in this proceeding and issued is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4643]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF BROOKHAVEN, Suffolk county, under section 91, chapter 378, laws of 1914, that this Commission order that the Blue Point Avenue under-crossing of the Long Island railroad at Blue Point shall be widened.

Ordered: That Mr. C. E. Pelz be and he is hereby delegated and assigned to assist in the execution and supervision of the work ordered by the Commission in the above entitled matter on February 15, 1917, and that any expenses incurred by him on the part of the State in connection with such supervision be charged against the reconstruction cost and included in any accountings entered into in connection with this case.

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway, and the construction of an under-grade crossing.

Upon the recommendation of the Buffalo, Rochester and Pittsburgh Railway Company as indicated by the signature of its chief engineer upon a general layout plan for the steel work, and a detail plan showing floor system, type B, for through plate girder railroad bridges, to be applied to the superstructure to be erected by that company to carry out the Commission's determination of July 26, 1916, in the matter above entitled; and upon the approval of the local authorities as similarly indicated by the approval signatures on said plans of the mayor and city engineer of Rochester, it is

Ordered: That said plans be and they are hereby approved.

[Case No. 5673]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of FRONTIER ELECTRIC RAILWAY COMPANY as to its railway proposed to be constructed in and between Buffalo and Niagara Falls crossing certain streets and highways and creeks; also as to certain franchises.

Suspension
of order.

By order dated October 17, 1916, in this matter, this Commission determined how the railway of the Frontier Electric Railway Company, proposed to be constructed in and between the cities of Buffalo and Niagara Falls, shall cross streets and highways in the cities of Buffalo, Tonawanda, North Tonawanda, and Niagara Falls; in the incorporated village of LaSalle; and in the town of Tonawanda, Erie county; and how said railway shall cross Gill creek in the city of Niagara Falls, Cayuga creek in the village of LaSalle, Tonawanda creek between the counties of Niagara and Erie, Ellicott creek and Mill creek in the city of Tonawanda. And in said order the Commission incidentally approved the exercise of certain franchises granted said railway company by the cities of Buffalo, Tonawanda, North Tonawanda, and Niagara Falls. So far as appeared when this determination was made, and so far as the Commission had information, the company proposed to build at this time a single track adjoining proposed tracks of the International railway, and to operate passenger cars by electricity; subsequently application was made to the Commission by The Pennsylvania Railroad Company and The Delaware, Lackawanna and Western Railroad Company for leave to acquire the capital stock of the Frontier Electric Railway Company, in the consideration of which application it appeared that these steam railroads also propose to acquire the right of way of the Frontier Electric railway, and apparently to operate thereover freight trains mainly in connection with and in extension of their regular and established steam railroad operation except that such operation over the Frontier Electric railway is intended to be by electricity. The determination as to said highway crossings allowed many of them to be made at grade, it being supposed that operation was to be by passenger cars or passenger trains, with occasional freight transportation in the ordinary interurban electric railroad manner; the proposition that long freight trains will be operated of course presents a different question, which in the opinion of this Commission properly should receive additional consideration, besides which it is desirable that officers of the municipalities which granted the franchises and which were not represented at the hearing before this Commission may have opportunity to present to the Commission their views on the subject of the operation of freight trains over the proposed right of way to be crossed at grade by various streets and highways. The Commission has therefore determined to suspend the operation of this order, that such questions may be considered at a public hearing, and it is

Ordered: That the order of this Commission of October 17, 1916, entitled as above, is hereby suspended until further action by the Commission; that a public hearing shall be held by this Commission at Room 704, Iroquois Building, in the city of Buffalo, on Friday, March 30, 1917, at 11 o'clock a. m., at which time the application herein will be reconsidered with especial reference to the operation of freight cars and trains over the said right of

way by the steam railroad corporations above mentioned, with a view to a proper determination as to how said Frontier Electric Railway Company shall cross the various creeks, streets, and highways above referred to.

[Case No. 5826]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of LEHIGH-BUFFALO TERMINAL RAILWAY CORPORATION under subdivision 10, section 8, Railroad Law, and section 55, Public Service Commissions Law, for consent to the issuance of a first mortgage for \$5,000,000, and of \$5,000,000 4½ per cent fifty-year gold bonds to be secured thereby.

Petition filed December 15, 1916; report of transportation engineer dated January 20, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Lehigh-Buffalo Terminal Railway Corporation is hereby authorized to execute and deliver to the Bankers Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of November, 1916, to secure an issue of first mortgage fifty-year gold bonds bearing interest at the rate of 4½ per cent per annum, payable semiannually on the first days of May and November in each year, to the aggregate amount of \$5,000,000 face value, a copy of which has been filed with the Commission herein, and that the form of such indenture so filed is hereby approved.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

3. That the Lehigh-Buffalo Terminal Railway Corporation is hereby authorized to issue \$5,000,000 face value of 4½ per cent 50-year first mortgage gold bonds under the aforesaid mortgage.

4. That said bonds of the total face value of \$5,000,000 shall be sold for not less than 95 per cent of their face value and accrued interest to give net proceeds of at least \$4,750,000.

5. That said bonds of the face value of \$5,000,000 so authorized, or the proceeds thereof to the amount of \$4,750,000, shall be used solely and exclusively for the following purposes:

(a) To pay off and discharge 5% 50 year debenture gold bonds outstanding at June 30, 1916, to the aggregate face amount of...	\$8,740,000.00
(b) To discharge indebtedness owing to the Lehigh Valley Railroad Company for advances to the petitioner for improvements, etc.	801,984.28
(c) For additional expenditures on account of the terminal facilities of the petitioner in the city of Buffalo, as shown on page 13 of the application herein.....	1,067,655.57
	<u>\$5,109,639.85</u>
Unprovided for	\$339,639.85

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (c) hereof only in so far as the same is a real increase in the road and equipment of the petitioner and not a replacement of any part of such road and equipment or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Classification of Investment in Road and Equipment of Steam Roads adopted by this Commission; (2) that there shall be no charges to road and equipment on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of the bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission.

6. That if the said bonds of a total face value of \$5,000,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$5,000,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Lehigh-Buffalo Terminal Railway Corporation unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Lehigh-Buffalo Terminal Railway Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the bonds herein authorized and in connection with expenditures on account of subdivisions (b) and (c) of clause 5 of this order the account or accounts under the Classification of Investment in Road and Equipment of Steam Roads to which the expenditures for such purposes have been charged, giving all the details of any credits to road and equipment. With respect to subdivisions (b) and (c) of clause 5 of this order (g) a summary of the expenditures for such purpose during the period covered by the report; (h) a summary showing the expenditures during such period by the prescribed accounts. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the road and equipment accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the authority contained in this order to execute a mortgage and issue bonds thereunder is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days from the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5831]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

THE MEDIATOR PUBLISHING COMPANY, by Morse M. Frankel, secretary, complainant, *against* NEW YORK TELEPHONE COMPANY, respondent..

This Commission on February 21, 1917, dismissed a complaint entitled as above for reasons stated in an order of that date. The complaint in that case was signed by Morse M. Frankel, secretary of The Mediator Publishing Company. There is filed with this Commission on March 14, 1917, a complaint entitled "The Mediator Publishing Company, by Morse M. Frankel, complainant, against the New York Telephone Company, respondent": but signed "The Mediator Publishing Company, by Max Weisberg, president." Subsequently the title quoted was changed by letter. This complaint is to the same effect as the one dismissed by order of February 21st. This being so, and a new complaint on the same subject being filed by The Master Bakers' Federation, which complaint is being investigated, said complaint filed March 14, 1917, is hereby dismissed.

[Case No. 5870]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of M. KIRSCHNER *against* NEW YORK TELEPHONE COMPANY, asking that a public telephone be installed in his store at No. 2056, Third avenue, New York city.

Complaint filed January 17, 1917; answer filed February 6, 1917; hearing held at the office of the Commission in the city of New York on March 2, 1917. Appearances: Paul H. Burns for respondent; no one appeared on behalf of complainant. The complainant runs a cloak and suit house at No. 2056, Third avenue, in the city of New York. He claims that during business hours many people ask for permission to use the telephone in his store and that many of them are his patrons. He believes it would be an accommodation to the public if a public pay station were installed in his store,

and incidentally that it would relieve him from the expense to which he is now subjected for telephone calls made by his customers. The company claims the right to determine where it shall install these pay stations; that the neighborhood in question is well served with such stations, and that there is no present need for the installation of another such station upon the premises of the complainant. There is no obligation on the part of the complainant to permit others to use his telephone at his expense, and it does appear from the evidence in the case that there are public telephones available in the immediate vicinity. Under the circumstances, therefore, it does not seem as though the Commission would be justified in requiring the installation of a public pay station on the premises of the complainant. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of the Commission.

[Cases Nos. 5883, 5895]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of J. WINSLOW TROTT *against* THE NEW YORK CENTRAL RAILROAD COMPANY, alleging insufficient passenger train service between Buffalo and Niagara Falls.

In the matter of the Complaint of O. E. CARR, city manager of the City of Niagara Falls, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, alleging insufficient passenger train service between Buffalo and Niagara Falls.

On January 28, 1917, The New York Central Railroad Company temporarily discontinued passenger trains Nos. 17, 23, 35, 45, 51, 10, 16, 28, 36, and 48 on the Buffalo division, between Buffalo and Suspension Bridge. In discontinuing these trains the company announced that it was a temporary expedient to assist in relieving the very great congestion of freight which then existed on the Niagara Frontier. Complaint was made to the Commission by the city manager of the City of Niagara Falls, and by J. W. Trott, a daily commuter between these points, alleging that such discontinuance caused great inconvenience. A hearing was held in Buffalo on March 2nd, at which several interested patrons of the railroad appeared, when it was developed that the chief cause for complaint was the discontinuance of train No. 36, scheduled to leave Niagara Falls at 5:30 p. m., and the absence of a train leaving Buffalo at about 7 or 7:30 a. m. The irregular operation of the trains which apparently existed for a relatively brief period during the early part of the Winter and again during the first part of February was discussed, but it appeared that this was due to the congested condition of the Exchange Street station and to extraordinary weather conditions. Subsequent to the hearing, an examination was made by a representative of the Commission which indicated that the freight congestion had materially cleared up; that there was an apparent necessity for a train leaving Niagara Falls at about 5:30 p. m., and that the demand for a morning train at about 7 or 7:30 a. m. was limited; further, if such a train were provided, it would take a small number of passengers from trains now leaving at 6:22 a. m. and 8 a. m., neither of which

is loaded to capacity, and neither of which can be changed because of connections and a necessary service which they provide for patrons whose work requires that they reach their destinations at about the time these trains are due. Neither did it appear that such a train would create traffic of its own. Now, therefore, it is

Ordered: That The New York Central Railroad Company be and it hereby is required forthwith to hold its train No. 32, scheduled to leave Niagara Falls at 5 p. m., until 5:15 p. m., giving proper and adequate notice thereof to its patrons, and continuing such holding in effect until Saturday, March 31, 1917.

2. That on April 1, 1917, and continuing thereafter, the said company be and hereby is required to operate trains Nos. 17, 23, 35, 45, 51, 10, 16, 28, 36, and 48, heretofore discontinued on January 28, 1917.

[Case No. 5884]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of CHARLES M.
ANDREWS of New York city *against* NEW YORK TELE-
PHONE COMPANY.

The issues involved in the above mentioned complaint having come on for a hearing before this Commission on the 9th day of March, 1917, at which time both parties appeared personally or by attorney and presented their respective contentions to the Commission; and it having appeared in the course of the said hearing that with respect to certain features of the complainant's case involving a demand for the restitution of money already paid by the complainant to the respondent, this Commission was without jurisdiction to enter a valid order in final determination of the conflicting claims of the parties; and it appearing further, as the result of discussion during the hearing, that the respondent was willing to enter immediately into a new contract with the complainant for telephone service upon the usual terms, leaving it to be determined later by a proper tribunal and in a proper proceeding whether or not the complainant was indebted to respondent under his previous contract, and that in the meanwhile respondent was willing to return to the complainant the sum of \$7.58, which complainant asserts has been unlawfully withheld from him by respondent; and the complainant having thereupon expressed himself as willing, under the circumstances, to adjust the matter in this way, upon the understanding that in so doing he forfeited none of his legal rights in respect to his claims for restitution, reparation, or other recovery against respondent; and the Commission being of the opinion, under all the circumstances, that this method of adjusting the complainant's demand for immediate telephone service will prove to be a reasonably satisfactory one, since it accomplishes the complainant's purpose of securing immediate service, at the same time leaving the other questions raised by complainant over which this Commission has no jurisdiction in a position where they may subsequently be determined by a proper tribunal in an orderly manner and without prejudice to the rights of either party by reason of the present settlement having been made; and the Commission having since been informed by both parties that said sum of \$7.58 has been paid by respondent to complainant in accordance with such understanding, and

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that a new contract for telephone service in the usual form has been signed between the parties, and that such service has now actually been installed, it is hereby

Ordered: That this complaint be and the same hereby is closed upon the records of the Commission.

[Case No. 5886]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF PROSPECT STATION, Chautauqua county, against THE PENNSYLVANIA RAILROAD COMPANY as to proposed discontinuance of the services of an agent at said station.

Amendatory
order.

In the above matter, the order of this Commission of February 27, 1917, in two places inadvertently names the village of "Westfield" when "Mayville" is intended. It is therefore

Ordered: That said order is hereby amended so that for "Westfield," "Mayville" shall be read.

[Case No. 5890]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of LEWIS R. FISHER under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of White Plains, it being proposed that the route shall also be operated to Valhalla.

A petition having been filed with this Commission by Lewis R. Fisher for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of White Plains on a route hereinafter named; and it appearing that said petitioner has received the consent of said city to such operation; and public hearings on said petition having been held by this Commission in New York city on February 23 and March 12, 1917, Martin J. Birmingham appearing for the petitioner and Eugene F. McKinley appearing for The Westchester Street Railroad Company; and it appearing that the petitioner has been operating the route in question for some time,

carrying passengers; and the Commission having considered a question raised by the attorney for The Westchester Street Railroad Company to the effect that Main street in White Plains, in which the route is proposed to be operated, is very much crowded, and a suggestion that this petitioner's route be operated on Hamilton avenue, a parallel street, instead of on Main street; and having concluded from the evidence at the hearing March 12th that operation on Hamilton avenue would not serve the convenience which is and will be served by operation on Main street; and it appearing that the city is considering other means of relieving the vehicular crowding on Main street; the Commission concluding from the evidence at the hearing March 12th that public convenience and necessity require the operation of this stage route in said city as a part of a route to Valhalla, hereby, under sections 25 and 26 of the Transportation Corporations Law, certifies that public convenience and necessity require the operation by Lewis R. Fisher of a stage route to be operated by auto busses, and to carry passengers and parcels, on the following streets in the city of White Plains, to wit, "Beginning at the corner of South Lexington avenue and Main street, and running in an easterly direction through Main street to Broadway, and thence in a northerly direction through North Broadway to the city line". This certificate is subject to the conditions of the consent of the City of White Plains. This certificate is not assignable without the consent of this Commission.

[Case No. 5908]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHTE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE
HAMLET OF KENNEDY, town of Poland, Chautauqua
county, *against* ERIE RAILROAD COMPANY as to change
of time of passenger train.

This complaint was served, and the company answered that beginning March 5th, complainants and others of the public have been allowed to ride on a way freight train which leaves Kennedy at 8:30 a. m. and arrives at Jamestown at 8:45 a. m. Representative of complainants notified the Commission as follows: "From inquiries made to the complainants in this matter, I am of the opinion that the arrangement made by the Erie Railroad Company is satisfactory, when the time schedule is maintained." Under these circumstances it is

Ordered: That this complaint is hereby closed on the records of this Commission as satisfied.

[Case No. 1642]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of MARTIN J. KEOGH of New Rochelle *against* THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY as to the passenger station of said company at New Rochelle for east-bound trains.

The New York, New Haven and Hartford Railroad Company applied on January 29, 1917, for a modification of the order made by the Commission on February 15, 1911, relative to station facilities at New Rochelle. It now desires to reduce the width of the eastbound passenger waiting room 2 feet 8½ inches, and thereby increase the platform facilities at this station to this extent. Due notice of this application was given to the original complainant, the mayor of New Rochelle, and other interested parties. Hearings were held at the office of the Commission in the city of New York on February 24th and March 9th, 1917, at which time it appeared that there was no opposition to the proposed changes in case the danger to passengers on the platform would not be increased thereby. Passengers alighting from trains at this point would undoubtedly be better served by having available for their use this additional platform space, and the representatives of the railroad are of the opinion that there will be no increased danger to passengers by reason of the proposed change. It is therefore

Ordered: 1. That The New York, New Haven and Hartford Railroad Company be and it hereby is authorized to reduce the width of its New Rochelle, N. Y., eastbound passenger waiting room 2 feet 8½ inches, thereby increasing its platform facilities at that point, all as shown upon map or blueprint filed in this case and entitled "Proposed Changes at E. B. Passenger Station New Rochelle, N. Y."

2. That the additional platform space so provided be made available for passengers alighting from and boarding trains of said corporation at that point.

3. That in order to reduce the danger to passengers at said station the corporation put up signs, after such changes are made, to warn intending passengers against standing upon that portion of the platform lying between the station building and eastbound track while waiting for trains.

4. That the said The New York, New Haven and Hartford Railroad Company notify this Commission within ten days from the date of this order if it accepts the same and will comply with the requirements thereof in all respects.

[Case No. 5467]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the SALMON RIVER POWER COMPANY for authority to issue, pursuant to section 69 of the Public Service Commissions Law, \$54,400 in par value of its capital stock, and \$207,000 face value of its 5 per cent forty-year gold bonds secured by its mortgage dated October 5, 1912; and of the SALMON RIVER POWER COMPANY and PULASKI ELECTRIC LIGHT COMPANY for consent, pursuant to section 70 of the Public Service Commissions Law, to the transfer by the Pulaski Electric Light Company to the Salmon River Power Company of the entire property, rights, privileges, and franchises of said Pulaski Electric Light Company; and for authority to the Pulaski Electric Light Company, pursuant to section 70, to acquire stocks and bonds of the Salmon River Power Company in exchange for said transfer. Also petition of the NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY for permission to guarantee said bonds of the Salmon River Power Company.

Petition filed March 9, 1916; report of division of capitalization dated May 8, 1916; petition of Niagara, Lockport and Ontario Power Company filed January 1, 1917; hearing held January 4, 1917; order entered January 9, 1917; supplemental petition filed January 8, 1917; report of division of light, heat, and power dated February 6, 1917; order entered February 15, 1917; hearing held March 5, 1917; report of division of light, heat, and power dated March 16, 1917; report of division of capitalization dated March 21, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Pulaski Electric Light Company is hereby authorized to transfer its franchises, and sell all of its property, rights, privileges, etc., as described in exhibit D of the petition herein, to the Salmon River Power Company; and the Commission hereby permits the transfer to and acquisition by the Salmon River Power Company of such property of the Pulaski Electric Light Company.

2. That the Salmon River Power Company is hereby authorized to issue \$21,800 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That the Salmon River Power Company is hereby authorized to issue \$4000 face value of its 5 per cent forty-year first mortgage gold bonds under a certain indenture given to the Columbia-Knickerbocker Trust Company as trustee, dated October 5, 1912, to secure an authorized issue of a total face value of \$5,000,000.

4. That said bonds of the total face value of \$4000 shall be sold for not less than 88½ per cent of their face value and accrued interest to give net proceeds of at least \$3540.

5. That the Salmon River Power Company is hereby authorized to use the proceeds which were realized from the sale of \$90,000 face value of the 5 per

cent forty-year first mortgage gold bonds at 88½ per cent of their face value, authorized to be issued by order herein dated January 9, 1917, to the amount of \$79,650, together with the proceeds realized from the sale of the capital stock (\$21,800) and additional bonds (\$3540) herein authorized, viz \$25,340: \$104,990, solely and exclusively for the following purposes:

(a) For the acquisition of the entire property, rights, and privileges of the Pulaski Electric Light Company as described in exhibit D of the petition herein, which includes interest on the cost to the present owners of the capital stock of the Pulaski company from July 1, 1914, to December 31, 1916, totaling \$2082.90.....		\$59,163.24
(b) For the acquisition from Fred D. Corey of certain property situate in the village of Pulaski and known as the "Box Property".....	\$10,500.00	
For legal and other services incident to the acquisition of such property.....	5,000.00	15,500.00
(c) For the completion or construction of distribution systems for street lighting and commercial service, for lighting and power purposes, with necessary transmission lines connected therewith, in the villages of Altmar, Lacona, and Sandy Creek, and towns of Richland and Orwell, as detailed in exhibit F of the petition as follows: actual expenditures to December 31, 1916.....	24,625.49	
Estimated expenditures to complete such projects.....	5,734.51	30,360.00
		<u>\$105,026.24</u>

Amount unprovided for..... \$36.24

in so far as the same may be applicable, provided (1) that such securities or the proceeds thereof shall be applied on such new construction summarized in subdivision (c) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than an amount equal to the par and face value of the securities herein authorized, no portion of the proceeds of the securities herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit F of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

6. That the Salmon River Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities heretofore and herein authorized in this proceeding and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged;

(g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary showing the expenditures during such period by the prescribed accounts. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the securities herein and heretofore authorized in this proceeding to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of such securities heretofore and herein authorized in this proceeding shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the reports shall set forth such fact.

7. That the Salmon River Power Company shall allocate the cost to it, namely \$59,166.24, of the property, privileges, etc., of the Pulaski Electric Light Company, and the \$15,500 cost of the "Box Property" herein authorized to be acquired, to the prescribed fixed capital accounts as required by Rule 23 of the Uniform System of Accounts for Electrical Corporations, a copy of which allocation shall within sixty days of the acquisition of such property be submitted to and approved by this Commission.

8. That none of the expenses incurred by the Salmon River Power Company in connection with this proceeding except those directly incurred on account of the actual issuance of the capital stock herein authorized shall be charged to fixed capital.

9. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation by one of its duly qualified officers accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

10. That as soon as the transactions covered by this order have been fully consummated the necessary steps shall be taken to dissolve the Pulaski company, and notification shall be given to the Commission when such transaction has been fully accomplished.

Finally, it is determined and stated that in the opinion of this Commission the use herein authorized to be made of the proceeds of securities herein and heretofore authorized in this proceeding is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except as to \$2082.90, which represents interest to the present owners on \$9000 par value of capital stock of the Pulaski Electric Light Company, the property of which company is herein authorized to be acquired, from July 1, 1914, to December 31, 1916, which is properly chargeable to income.

[Case No. 5572]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of THE LONG ISLAND RAILROAD COMPANY under section 49, Public Service Commissions Law, asking that its mileage book rate be increased from two cents a mile to two and one-half cents a mile.

The Commission having determined, for the reasons set forth in the accompanying memorandum, that an increase in the rate charged by The Long Island Railroad Company for mileage book tickets for use on its lines is justified, and that said rate should be increased from two cents to two and one-quarter cents per mile, which latter rate in the opinion of the Commission will be just and reasonable and will tend to give said railroad company more nearly a reasonable average return upon the value of the property actually used in the public service, and enable it to make proper reservation out of its income for surplus and contingencies, it is hereby

Ordered: 1. That said The Long Island Railroad Company be and it hereby is authorized to increase the maximum rate for mileage book tickets for use on its lines from two cents to two and one-quarter cents per mile, which rate the Commission determines is a just and reasonable rate to be hereafter observed and enforced as the maximum to be charged for such mileage book tickets for the transportation of persons on the lines of said railroad.

2. That said The Long Island Railroad Company be and it hereby is authorized to put such advanced rate on mileage book tickets into effect on three days' notice to the public and to the Commission, by issuance of proper tariff supplement posted and filed in accordance with the requirements of the Public Service Commissions Law and the Commission's tariff regulations established therefor, but such rate shall not be put into effect prior to April 1, 1917.

3. Nothing herein contained shall be construed as preventing the Commission from reducing the mileage book rate of the petitioner at any time hereafter if after due investigation it shall determine that the maximum rate herein authorized should be reduced.

[Case No. 5667]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of NORTH SCRIBA GRANGE, Lycoming, Oswego county, *against* AMERICAN EXPRESS COMPANY, asking for fast express service for strawberries from the Scriba station on the New York Central railroad.

The complaint in this case is that shipments of strawberries by express from points between Oswego and Richland to New York have at times been delayed to the damage of the shippers. A hearing was held in Oswego October 20, 1916, at which it appeared that the operations involved affect The New York Central Railroad Company as well as the American Express Company. Efforts have since been made through the steam railroad division of the Commission to effect a coöperating arrangement between the railroad company and the express company of such character as to remove the ground of complaint. These efforts have been ineffectual. It is therefore

Ordered: That The New York Central Railroad Company, already having notice of the nature of the complaint, be made a respondent in the case, and be required to answer the complaint within ten days after the service of a copy of this order.

[Case No. 5761]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of WATERLOO WOOLEN MANUFACTURING COMPANY *against* GENEVA, SENECA FALLS AND AUBURN RAILROAD COMPANY, INC., as to passenger fares charged.

On the facts found and for the reasons stated in the accompanying Opinion it is

Ordered: That the complaint be and the same hereby is dismissed.

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[Case No. 5779]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of PATCHOGUE ELECTRIC
LIGHT COMPANY under section 69, Public Service
Commissions Law, for authority to issue \$60,000 in
common capital stock.

Petition filed November 14, 1916; supplemental petition filed December 9,
1916; report of division of capitalization dated January 4, 1917; report of
division of light, heat, and power dated February 19, 1917; final report of
division of capitalization dated March 16, 1917. Now therefore, upon the
foregoing record,

Ordered as follows: 1. That the Patchogue Electric Light Company is
hereby authorized to issue \$60,000 par value of its common capital stock
which shall be sold at a price not less than the par value thereof to give net
proceeds of at least that sum.

2. That said stock of the par value of \$60,000 so authorized, or the pro-
ceeds thereof to the amount of \$60,000, shall be used solely and exclusively
for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of assets during the period from January 1, 1913, to October 31, 1916, inclusive, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....	\$58,231.22
(b) To be applied in part payment of the cost of a 750-kw. steam turbo- generator, crane, etc., as set forth in the supplemental petition filed herein on the 9th day of December, 1916.....	1,768.78
	<hr/> \$60,000.00

3. That the Patchogue Electric Light Company shall for each six months'
period ending June 30th and December 31st file, not more than thirty days
from the end of such period, a verified report showing (a) what stock has
been sold or otherwise disposed of during such period in accordance with the
authority contained herein; (b) the date of such sale or disposition; (c) to
whom such stock was sold; (d) what proceeds were realized from such sale;
(e) any other terms and conditions of such sale; (f) the amount used for the
purpose specified in subdivision (a) of clause 2 of this order during such
period of the proceeds of the stock herein authorized; (g) in detail the
amount expended for subdivision (b) of clause 2 of this order during such
period of the proceeds of the stock herein authorized and the account or
accounts under the Uniform System of Accounts for Electrical Corporations
to which such expenditures have been charged giving all details of any credits
to fixed capital in connection with such expenditures. Such reports shall
continue to be filed until all of said stock shall have been sold or disposed of
and the proceeds expended and used in accordance with the authority con-
tained herein, and if during any period no stock was sold or disposed of or
proceeds expended or used the report shall set forth such fact.

4. That the Patchogue Electric Light Company shall adjust its books as
of October 31, 1916, so that a balance sheet taken therefrom as of that date
will be in agreement with the statement shown on page 6 of the final report
of the Commission's division of capitalization dated March 16, 1917, a copy
of which report shall be served upon the company, and that verified proof

shall be submitted to the Commission showing that the required adjustments have been made in its accounts.

5. That the Patchogue Electric Light Company shall take inventories of its poles, wires, and services, and shall submit the same, together with proof that its accounts have been brought into agreement with such inventories, within sixty days after the service upon it of this order, within which time it shall also submit satisfactory evidence to the Commission that its accounting records and methods comply with the requirements of the Commission.

6. It is nevertheless expressly provided that in all respects other than as directed in ordering clause No. 4 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission, unless and until compliance with the requirements of ordering clause No. 4 of this order shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5866]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the RESIDENTS FORMERLY USING PASSENGER TRAINS STOPPING AT WEBBERS CROSSING near Darien Center, Genesee county, which have been discontinued, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, asking that said stops be restored, that trains Nos. 27 and 28 stop on signal at Webbers Crossing, and that Webbers Crossing be placed on the timetable.

The above entitled matter having duly come on for hearing upon the issues formed by the petition and the answer before Commissioner Barhite at Buffalo, New York, on the 2nd day of March, 1917; and after hearing Mr. H. E. Huntley and others in person for the complainants, and Mr. Louis L. Babcock of Buffalo, New York, of counsel, and Mr. Benjamin F. Doolittle of Buffalo New York, trainmaster of the respondent, and due consideration having been duly had, it is

Ordered: 1. That The Delaware, Lackawanna and Western Railroad Company be and it is hereby required to take on and let off passengers at Webbers Crossing, so called, in Genesee county, New York, on trains known as Nos. 35 and 36 respectively, whenever said trains or either of them shall stop at said crossing for the purpose of loading or unloading milk or empty cans. and shall take on and let off passengers upon any other train which shall stop at the same point for like purpose, and shall have a passenger coach or coaches attached thereto.

2. That the respondent notify the Commission within ten days from the date of this order if it accepts the same and will comply therewith in all respects.

182 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5875]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS BETWEEN THE TROY CITY LINE AND WYNANTSKILL, in the town of North Greenbush, Rensselaer county, *against* WYNANTSKILL HYDRO-ELECTRIC COMPANY, asking that electricity be furnished.

The complaint in this case was filed on January 22, 1917, and alleges that the respondent has a franchise from the Town of North Greenbush, but that it has failed to extend its lines along the state road in said town from Wynantskill to the Troy city line and refuses to give service to complainants. The company filed its answer on February 26, 1917, setting forth that it expected to be able to give service to the complainants on or before May 25, 1917. Complainants advised the Commission after receipt of the answer that the same was not satisfactory, and that they desired a hearing, which was held at the office of the Commission in the city of Albany on March 19, 1917. The complainants were represented by Clark Cipperly of Troy, N. Y.; and C. C. Hastings, president of the Wynantskill Hydro-Electric Company, appeared on its behalf. Two of the complainants were present and testified that they desired the service, and that there were about sixteen of the complainants who lived along the highway in question and who had signified their desire to be supplied with electricity. With one or two exceptions, none of the houses along the road have been wired for electricity, and the complainants expressed their disinclination to have this wiring done until assured that the respondent would give them service. The president of the respondent stated that the desired extension would be made on or before May 15, 1917, provided at least ten subscribers for its service could be secured, and that the matter would be taken up at once. It is therefore

Ordered: 1. That as soon as the respondent corporation has secured ten subscribers for its service along the state road leading from Troy to Wynantskill, it shall be prepared to extend its lines between the points aforesaid so that it can furnish service to such subscribers as soon as they have the necessary wiring done, so that electricity may be used on their respective premises. The respondent shall be ready to furnish such service as soon as all of said subscribers are prepared to take the same, but not earlier than May 15, 1917, unless it elects so to do.

2. That the respondent shall from time to time after the aforesaid extension has been made, arrange to give service to other applicants therefor who may reside on the streets and highways intersecting such state road, provided they enter into contracts with the corporation therefor in accordance with its rules and regulations.

3. That the respondent notify the Commission within ten days from the date of this order if it accepts the same and will comply therewith in all respects.

[Case No. 5891]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of GEORGE WISHART of New York city under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the incorporated village of Friendship, Allegany county; and for approval of the exercise of rights and privileges under a franchise therefor received from said village.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by George Wishart of the city of New York for permission to construct in the incorporated village of Friendship, Allegany county, New York, an electric plant, including poles, wires, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise heretofore granted to said George Wishart by the board of trustees of said Village of Friendship, a duly certified copy of which franchise is filed with the papers in this case; and public notice of the pendency of said petition having been published in the *Friendship Register*, a newspaper published in said village of Friendship; and a hearing on said petition after due notice having been held in the city of Buffalo by Commissioner Barhite on March 19 1917, at which hearing said George Wishart appeared in person on behalf of said petition, no one appearing to oppose; and this Commission hereby determining from the papers and hearing that such construction and exercise of franchise are necessary and convenient for the public service,

Ordered: 1. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by said George Wishart in the village of Friendship, Allegany county, New York, of an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power, and permits and approves the exercise by said George Wishart of rights and privileges under a franchise issued to him by the board of trustees of said Village of Friendship to use all of the highways and public places of said village for constructing therein poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

184 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5911]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY under section 55, Public Service Commissions Law, in regard to "The New York, Chicago and St. Louis Railroad Equipment Trust of 1917".

Petition filed February 19, 1917; report of division of steam railroads dated March 19, 1917; report of division of capitalization dated March 20, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The New York, Chicago and St. Louis Railroad Company is hereby authorized to execute and deliver a certain agreement dated March 1, 1917, with Otto Miller, William D. Turner, and J. Grant Alexander, as vendors, and The Citizens Savings and Trust Company of Cleveland, Ohio, or such other trust company as the petitioner may designate, as trustee; and a certain agreement of lease with The Citizens Savings and Trust Company, trustee, or such other trust company as the petitioner may designate, to be called "The New York, Chicago and St. Louis Railroad Equipment Trust of 1917," to secure an issue of \$3,800,000 face value of 15-year equipment trust certificates to be known as "The New York, Chicago and St. Louis Railroad Equipment Trust Certificates of 1917": not more than one-tenth and not less than one-fifteenth of the total face value of which certificates are to mature annually on the 1st day of March as set forth in said agreement, bearing interest at the rate of 4½ per cent per annum, payable semiannually on the first days of September and March in each year; and that the forms of the aforesaid agreement and agreement of lease, filed in this case as exhibit K, are hereby approved.

2. That upon the execution and delivery of said agreement and agreement of lease herein authorized there shall be filed with this Commission verified copies of the same in the forms in which they were executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the agreement and agreement of lease as executed and delivered are the same as herein approved by the Commission.

3. That said equipment trust certificates of the total face value of \$3,800,000 shall be sold at not less than 95 per cent of their face value and accrued interest to give net proceeds of at least \$3,610,000.

4. That said equipment trust certificates herein authorized of the total face value of \$3,800,000 or the proceeds thereof shall be applied solely and exclusively toward the purchase price of the equipment set forth in the lease hereinbefore approved, as follows: 500 steel underframe automobile box cars 80,000 pounds capacity, Nos. 18000 to 18499 inc.; 10 Mikado freight locomotives, Nos. 500 to 509 inc.; 500 steel underframe automobile box cars, 80,000 pounds capacity, Nos. 18500 to 18999 inc.; 10 6-wheel switch locomotives, Nos. 60 to 69 inc.; 25 Mikado freight locomotives, Nos. 510 to 534 inc.; 750 composite hopper cars, 110,000 pounds capacity, Nos. 30000 to 30749 inc.; estimated cost of equipment which is covered by lease, \$4,280,689.05. Net proceeds from sale of certificates herein authorized, \$3,610,000; balance of required cash to be provided from the treasury of the petitioner, \$670,689.05: \$4,280,689.05.

5. That if the said certificates of a total face value of \$3,800,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$3,800,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by The New York, Chicago and St. Louis Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That The New York, Chicago and St. Louis Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what certificates have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such certificates were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds of the certificates herein authorized for the purpose specified herein during such period and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said certificates shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no certificates were sold or disposed of or proceeds expended the report shall set forth such fact.

8. That the company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said certificates herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5912]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

In the matter of the Petition of BINGHAMTON GAS
WORKS under section 69, Public Service Commissions
Law, for authority to issue \$7000 in general mortgage
5 per cent 50-year gold bonds for reimbursement.

Petition filed February 20, 1917; report of division of capitalization dated
March 19, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Binghamton Gas Works is hereby author-
ized to issue \$7000 face value of its 5 per cent 50-year general mortgage gold
bonds under a certain indenture given to the Trust Company of America
(Equitable Trust Company, successor) as trustee, dated the 1st day of Octo-
ber, 1904, to secure an authorized issue of a total face value of \$2,500,000.

2. That said bonds of the face value of \$7000 shall be sold for not less than
94 per cent of their face value and accrued interest to give net proceeds of
at least \$6580.

3. That said bonds of the face value of \$7000 so authorized, or the proceeds thereof to the amount of \$6580, shall be used solely and exclusively for the following purposes:

For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the calendar year 1916, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation..	\$8,084.52
Less proceeds of bonds authorized to be issued by order dated March 1, 1916, in case No. 5442, in excess of the purpose for which such proceeds were to be used.....	628.44
	\$7,456.08

Amount unprovided for.....	\$876.08
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4. That if the said bonds of a total face value of \$7000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$7456.08, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Binghamton Gas Works unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Binghamton Gas Works shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used for the purpose specified herein during such period of the proceeds of the bonds herein authorized. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds used the report shall set forth such fact.

7. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 254]

STATE OF NEW YORK, -

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined under section 62 of the Railroad Law, as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

The New York Central Railroad Company having submitted a canvass sheet of bids received for the construction of a viaduct over its tracks in the city of Mount Vernon at Broad street, in accordance with the requirements of the Commission's order in the matter last above entitled, with the recommendation that the unit prices quoted by the Crownbar Construction Company Incorporated, for the various classes of work required to be performed, be approved; and similar requests for such approval having been made by the City of Mount Vernon as shown by certified copy of a resolution adopted by the common council at a meeting held on March 13, 1917; by the City of Yonkers in accordance with a resolution passed by the board of contract and supply on March 12, 1917; and by the Bronx Parkway Commission as shown by resolution passed March 13, 1917; it is

Ordered: That the unit price proposal submitted by said Crownbar Construction Company, Incorporated, as shown upon a canvass sheet of bids on file with this Commission, be and the same is hereby approved.

188 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5660]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to an alteration of a highway grade crossing of the railroad operated by The Delaware and Hudson Company in the towns of Cobleskill and Richmondville, Schoharie county.

In the improvement of county highway designated as Petition No. 3527, also known as the Cobleskill-Janesville county highway, the State Commission of Highways desires to eliminate a grade crossing by said highway of the tracks of The Delaware and Hudson Company's railroad in the town of Richmondville, Schoharie county, and appeared before this Commission at a hearing on September 25, 1916, upon its petition duly filed for such elimination, with the request that the change be accomplished by the construction of a new highway on the north side of and approximately parallel with the railroad, extending from said county highway easterly partly through the towns of Richmondville and Cobleskill and into the village of Cobleskill to a junction with Elm street. At this hearing, at which due proof of publication of notice of hearing and of personal service thereof on interested property owners as required by law and prescribed by this Commission was made, appeared F. A. Hermans and J. A. Small for the State Commission of Highways; George M. Palmer for the Village of Cobleskill and supervisor of the Town of Cobleskill; Palmer Slingerland, supervisor of the Town of Cobleskill; E. A. Dox for the Town of Richmondville; George E. Vrooman, supervisor of the Town of Seward; Lewis E. Carr and John E. MacLean for The Delaware and Hudson Company; and William S. France and D. R. Shafer, property owners, in person.

Subsequent to this hearing The Delaware and Hudson Company filed a supplemental petition for an order determining that the grade crossings at Elm street and West street in the village of Cobleskill be abolished in connection with the construction of the proposed new highway first above mentioned. A hearing of such supplemental application was held on February 14, 1917, at which due proof of publication of notice of such hearing and of personal service thereof upon interested property owners as required by law and prescribed by this Commission was also made. At such hearing appeared Lewis E. Carr and John E. MacLean for The Delaware and Hudson Company; F. A. Hermans for the State Commission of Highways; D. E. Dow and Charles Wieting representing the Schoharie State College of Agriculture; A. L. Norton for the Cobleskill Board of Trade and Cobleskill Automobile Club; Palmer Slingerland for the Town of Cobleskill; D. R. Shafer, property owner, in person; and E. A. Dox for the Town of Richmondville and School District Number Two.

While the application generally was unopposed, objection was made to the closing of the county highway crossing on the ground of serious inconvenience and damage to a resident property owner, and because of the fact that several school children now residing near the county highway crossing on the south side of the tracks would be required to make a detour of nearly two miles to reach the schoolhouse which is located on the county highway to the north of the tracks. These and other objections were given due weight by the Commission in its consideration of the case, but in such a case the wishes and convenience of the few should yield to the safety and welfare of the many in

carrying out the manifest intent of the law, that whenever and wherever possible dangerous grade crossings of steam railroads should be eliminated. The Commission has accordingly determined that the applications herein should be granted, and it is therefore

Ordered: 1. That the grade crossing of The Delaware and Hudson Company's railroad by the Cobleskill-Janesville county highway, Petition No. 3527, in the town of Richmondville, and the grade crossings of The Delaware and Hudson Company's railroad by West street and Elm street in the village of Cobleskill, shall be closed and discontinued, and that highway traffic shall be diverted therefrom to other existing crossings and to a new highway approximately 3800 feet long to be constructed north of the railroad company's northerly right of way line and approximately parallel therewith. The right of way to be acquired for this new highway shall be 50 feet wide. In the center thereof there shall be constructed a roadway on standard sections as approved by the Highway Department, the traveled portion thereon to be paved with a bituminous macadam in accordance with the requirements of the State Department of Highways for a width of 16 feet. The center lines of the present county highway as it exists north of the track and of the proposed new highway shall be connected by a curve of an approximate radius of 495 feet. On the easterly end, the center lines of Elm street as it exists and of the new highway shall be connected with a curve of about 400 feet radius.

Beginning at the county road, the new highway shall be constructed approximately upon the following grades: level as nearly as may be possible a distance of about 260 feet to a point about 50 feet east of the adjacent creek, where the elevation shall be 98.2; thence proceeding easterly, descending at the rate of about 2.84 per cent, a distance of about 500 feet; thence continuing to descend at the rate of about 1.28 per cent a distance of about 700 feet; thence level a distance of about 1000 feet; thence descending at the rate of about 0.88 per cent a distance of about 400 feet; thence ascending 0.5 per cent for a distance of about 400 feet; thence descending at the rate of about 1.95 per cent a distance of about 550 feet; thence as nearly level as possible to the connection with Elm street.

Culverts to accommodate the existing creeks and water-courses shall be provided, and guard-rails erected at all points where embankments are four feet or more in height. Buildings and other structures where necessary shall be removed, and any other work necessary or required for the proper support of the highway shall be performed. Vertical curves connecting all changes in rate of grade shall be constructed as may be desired and prescribed by the State Commission of Highways.

Unless otherwise ordered by this Commission, the crossings of the county highway and of West street and Elm street shall remain open until completion of the work herein ordered and approval thereof by this Commission, after which they shall be closed by the erection of fences or other barriers along the railroad company's right of way lines. All of the work herein ordered shall be paid for jointly by the railroad company and the State Commission of Highways, and shall include the cost of all land and damages, the construction and pavement of the connecting highway, and any and all other expenses to complete the elimination of the three crossings as herein provided.

There is pending with this Commission a petition by the president and trustees of the Village of Cobleskill asking for the elimination of the West Main Street grade crossing of The Delaware and Hudson Company's railroad. This crossing is located in the village of Cobleskill, and is on a state route, being a link in state highway No. 5458. At the hearing herein on September 25, 1916, The Delaware and Hudson Company declared it was not opposed to the applications upon which this order is based provided the elimination scheme should include a comprehensive plan for the elimination not only of the county highway crossing but also of the one at Main street as well as those at Elm and West streets in the village limits.

But it appears the State Department of Highways is unable to devote its funds to the elimination of the Main Street crossing because said crossing is within the incorporated village of Cobleskill: it being alleged that the use

of state highway funds for either the improvement of highways or for grade crossing elimination purposes within the limits of incorporated villages or cities is contrary to law. Therefore, to include the elimination of the Main Street crossing in the present scheme would involve charging the State's share of the cost of that part of the improvement against funds separately appropriated for the elimination of grade crossings; and the Commission at present is unable to approve such an expenditure by reason of the limited sum under its control which is available for such purposes. While the Commission, therefore, is in entire sympathy with the attitude of the standard company, and recognizes that under all the circumstances of the case it would be advisable, and in the interest of public safety to include the Main Street crossing as a part of the contemplated improvement, for reasons above set forth, at the present time it is able only to make a determination in the applications of the State Commission of Highways with reference to the county highway crossing and of The Delaware and Hudson Company in respect of the Elm Street and West Street crossings.

The alignment and location of the new highway and the grades thereon shall be substantially as shown upon a general plan dated March 14, 1913, drawn to a scale of 1 inch to 100 feet, on file with this Commission, said plan for further identification being marked "Exhibit A".

[Case No. 5762]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of ALDRICH PAPER COMPANY AND OTHERS *against* THE NEW YORK CENTRAL RAILROAD COMPANY as to rates on wood pulp shown in tariff P. S. C., 2 N. Y., N. Y. C. No. 2929.

Complaint filed October 19, 1916; answer filed November 24, 1916; hearing held at the office of the Commission in the city of Albany on February 8, 1917. Appearances: Thomas G. Smiley for the complainants; Parker McColleston for the respondent. The New York Central Railroad Company filed with this Commission its tariff P. S. C., 2 N. Y., N. Y. C. No. 2929, to take effect October 31, 1916, covering rates on wood pulp from Ogdensburg to various points in Northern New York. This tariff effected certain changes in existing rates, increasing some and decreasing others. The complainants, consisting of about twenty-five paper manufacturers, claiming that the proposed increases in rates would seriously affect their business, asked this Commission to suspend the tariff pending an investigation into such rates. It appearing to the Commission that no good reason was presented in the complaint why the tariff should be suspended, it declined to order such suspension, and decided to hear such proof as the complainants might adduce to show that the proposed increased rates would be unjust and unreasonable. Upon the hearing it developed that all of the complainants excepting five had withdrawn their opposition; of these five, two are located at Brownville, two at Carthage, and one at Potsdam, New York. The following are the old and new rates involved in this proceeding:

	Rate per 100 lbs.	
	Old	New
Ogdensburg to Potsdam.....	3.7¢	5.3¢
Ogdensburg to Watertown and Carthage.....	4.7¢	6.3¢
Ogdensburg to Carthage.....	84¢ per net ton	6.3¢

The assistant freight traffic manager of The New York Central Railroad Company, Mr. Hubbell, testified that the new tariff was made for the purpose

of re-aligning the rates in Northern New York territory, and so that the local rates would correspond to the proportion of the all rail through rate which the New York Central receives from Ogdensburg to the points in question. At the time the new tariff was filed its local rates were less than its proportion of the through rates, and it is the practice of the New York Central to make its local rates correspond to its proportion of such through rates. A considerable amount of the wood pulp which the Central handles from Ogdensburg arrives there by water and is loaded direct from the boats into cars. From July 3, 1916, to December 22, 1916, the New York Central railroad handled wood pulp ex-water Ogdensburg to only two points in the State of New York, viz. Carthage and Canton: 30 cars moving to the former place, and 537 cars to the latter. There were no like shipments to other points covered by the complaint. It was urged on behalf of the complainants that three of the five remaining complainants had contracts for a considerable tonnage of wood pulp and that they would be seriously prejudiced by the proposed increase in rates. However, it is apparent from the tonnage which arrived by water at Ogdensburg during the last six months of 1916 that only a small amount moved to Carthage and none to Brownville or Potsdam, and there is no change in the rate to Canton to which point the largest tonnage moved. The effect of the revised rate to Carthage is to put it on the same basis as the Watertown group which includes Brownville. The mileage from Ogdensburg to Watertown and Carthage via DeKalb Junction or Rivergate is substantially the same, so that on that ground alone it would seem reasonable for the rates to be similar. The testimony introduced on behalf of the complainants as well as the respondent shows conclusively that the wood pulp which arrived by water at Ogdensburg and is handled for the complainants by the New York Central comes from a foreign country, viz. Quebec. It therefore becomes an article of interstate or foreign commerce when shipped from Quebec into the State of New York. The respondent did not seriously question the jurisdiction of the Commission in this matter on the hearing, but counsel in his brief urges that the rates involved in this proceeding are not subject to regulation by this Commission. The representative of the complainants contends that the wood pulp in question only becomes interstate commerce when it is covered by through tariffs and through billing, and that the rates in question and the commodity covered by them is under the control of this Commission under the tariff that is filed. The question of jurisdiction is undoubtedly controlling in this matter, and from the evidence in the record it is apparent that the wood pulp from Quebec which arrives at Ogdensburg by water and is hauled from that point to other places on the lines of the New York Central railroad is moving as interstate commerce, and that this Commission has no authority to fix the rates on this commodity while moving from foreign points to places in the State of New York. It is not disputed that when the pulp leaves Quebec it is destined for the mills in the State of New York. The theory of the representative of the complainants is that because the wood pulp arrives at Ogdensburg by water, and is hauled from that point by the New York Central, charging its local rate from Ogdensburg because there is no through rate with the boat line, this Commission has the right to determine whether or not the rate from Ogdensburg is reasonable or unreasonable without regard to the fact that the commodity arrives from a foreign country and is destined to a point in New York state. He also argued that the railroad company had no right to change its rates and interfere with arrangements which had been made by some of the complainants for a future tonnage of wood pulp which it was proposed to handle in the same way through Ogdensburg. As to the first point, it has been decided frequently by the Supreme Court of the United States that when freight actually starts in the course of transportation from one State to another, it becomes a part of interstate commerce. It is the nature of the movement and not the form of the bill of lading which determines the character of the commerce involved. When an interstate character has been acquired in this way, it continues until the product reaches the point where the parties originally intended the movement should finally end. *Illinois Central & R. v. Louisville R. R. Commission*, 236 U. S. 157. We understand that this

applies equally to shipments from a foreign country as in the present instance. As to the second point, it has been decided many times that the fact that shippers have become accustomed to certain rates and have done business in contemplation of a continued existence of such rates is not controlling when the question is up for consideration as to whether or not a proposed increase in a long existing rate is reasonable or unreasonable. From the evidence presented in this case, we are forced to the conclusion that we have no jurisdiction over the rates on wood pulp moving between the points referred to in this proceeding, the same being interstate commerce. Beyond this, we are of the opinion that no satisfactory evidence was introduced to show that the increased rates were unjust or reasonable. Under the circumstances, we are unable to afford the complainants the relief asked for, and it is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed upon the records of this Commission.

[Case No. 5766]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CAKE,
Commissioners.

In the matter of the Complaint of LAWYERS MORTGAGE COMPANY of New York city against NEW YORK TELEPHONE COMPANY as to responsibility for payment for telegrams transmitted to telegraph offices by telephone.

Complaint filed October 31, 1916; answer filed November 23, 1916; hearing held at the office of the Commission in the city of New York on January 12, 1917. Appearances: W. D. Morgan and C. A. DuBois on behalf of the complainant; and George R. Grant for the respondent. The complainant in this case objects to the practice of the telephone company in requiring it to execute a contract for telephone service in an apartment house, containing the following clause: "For the sending of telegrams where billing arrangements have been made with the transmitting telegraph company, such charges as may from time to time be established by such transmitting telegraph company, payable upon request." It claims that by reason of this provision in the contract it is made responsible for telegrams which may be sent by its tenants, and it is unwilling to assume such responsibility. After the hearing the matter was discussed by the parties and the Commissioners present to see if it were possible to arrive at any agreement as to the proper method of handling the matter. The Commission has now been advised by the complainant that the matter has been satisfactorily adjusted and that the case may be closed. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed upon the records of the Commission.

[Case No. 5804]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54, Railroad Law, for consent to the discontinuance of the ticket and freight agency at its Dutchess Junction station.

The New York Central Railroad Company has applied to the Commission for leave to discontinue its freight and passenger agency at Dutchess Junction, a place of some three hundred inhabitants, situated about a mile and three-quarters by railroad from Beacon. Until June 11, 1916, the station in question was literally a junction station, maintained jointly by the New York Central and Central New England railroads. Through business from Central New England points passed through Dutchess Junction. In June, 1916, the Central New England railway abandoned its Dutchess Junction branch and commenced sending its through business through Beacon, which is now the point of connection between these two roads. It is that change in conditions which has led to the making of the present application. The plan presented for our approval does not contemplate that Dutchess Junction shall be discontinued as a station. On the contrary, all trains which now stop at Dutchess Junction are to continue to stop there, and the present passenger station structure is still to be used for the accommodation of passengers. So far as passenger business is concerned, the only change will be that in the event of the granting of this application a caretaker, whose services can be arranged for without expense to the railroad company, will be substituted for the regular station agent who is now employed, and tickets will be sold on the train to persons who board trains at the Dutchess Junction station. So far as freight business is concerned, it is proposed that all charges on incoming business at Dutchess Junction shall hereafter be prepaid, but the delivery of carloads on the company's tracks at Dutchess Junction, or on consignees' private sidings, will be continued. Less than carload shipments will be delivered either at Beacon, or if the consignees so desire, will be unloaded by the freight crews at Dutchess Junction. Outbound carload business will be accepted at Dutchess Junction, the bills of lading being forwarded to the agent at Beacon and the cars moved in the regular course. Less than carload outbound shipments will be delivered and receipted for at Beacon. For reasons which have impressed the Commission as on the whole valid, the railroad has found it impracticable to undertake, if this change is made, to sell round-trip tickets to passengers boarding trains at Dutchess Junction. This is a detail of the proposed arrangement which is to be regretted, and it is to be hoped that some way will shortly be found to leave present round-trip rates from Dutchess Junction unaltered under the new arrangement. But for the entire year of 1916, the saving on the purchase of such tickets sold at Dutchess Junction, below the cost of double one-way fares, amounted to but \$140.99; and in order to continue the sale of round-trip tickets by conductors on the trains, it would be necessary to inaugurate an entirely new system of duplex checks, involving complications in the work of collections and increasing the likelihood of errors in the company's accounts. With the several varieties of tickets already in use it has not been deemed practicable to increase the work of conductors in respect to the sale of tickets on trains by adding the sale of round-trip tickets to their present duties. The Commission, after very careful consideration, has reached the conclusion that the proposal for which its approval has been asked is one which under all the circumstances may properly be given

a trial. If it shall subsequently appear that undue inconvenience or hardship has been caused by the change to any considerable number of people, the Commission will of course feel entirely free to reconsider the entire matter, and if necessary order the reestablishment of an agency station at this point. But as it now appears, the change may be made with practically no inconvenience to the locality especially affected, and may be regarded therefore as one of those legitimate economies which, so far as is consistent with entire justice to particular communities, should be encouraged in the interest of cheaper transportation for the general public. In coming to this conclusion the Commission has been largely influenced by the favorable experience which is reported to have been had with non-agency stations in larger communities than Dutchess Junction, and to the fact that an agency station at this point was established in the first instance because, and only because, Dutchess Junction was then a real junction point between the Central New England and the New York Central railroads, which it no longer is. These considerations, taken in connection with the further fact that under the new arrangement the service at Dutchess Junction station promises in all essential particulars to be practically as satisfactory as that which is now in force there, seem to justify the Commission in consenting that the arrangement be given a fair trial. The Commission has decided, therefore, to grant this application; but this action is based upon an understanding that the Dutchess Junction station will be operated on a non-agency basis in all respects so as to serve the public adequately, and that there will be no curtailment, by reason of this change in station character, in the present passenger train service at this point, and that arrangements as to freight such as have hereinbefore been mentioned will actually be put into operation coincidently with the change in station arrangements. It is granted, also, upon the understanding that if at the end of a two year's trial period it shall appear that the public which has occasion to use Dutchess Junction station, either for freight or passenger purposes, shall be unduly inconvenienced by the non-employment of a station agent there, the matter may again be brought before the Commission for reconsideration upon its merits, as these shall then appear. It is therefore

Ordered: That the application of The New York Central Railroad Company, pursuant to section 54 of the Railroad Law, for an order consenting to the discontinuance of the freight and passenger agency at Dutchess Junction station, be and the same hereby is granted, and that this case be closed upon the records of the Commission, with leave however to any user of Dutchess Junction station to move at the expiration of a two years' period to reopen same in the event that circumstances shall then seem to require such reopening.

[Case No. 5888]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE LONG ISLAND RAILROAD COMPANY under section 55, Public Service Commissions Law, for authority to execute Long Island Equipment Trust Series B, a lease of the equipment, and an agreement in respect to the equipment; also to guarantee \$940,000 in 4½ per cent equipment trust certificates.

Petition filed February 1, 1917; report of division of steam roads dated March 16, 1917; hearing held March 24, 1917; report of division of capitalization dated March 19, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Long Island Railroad Company is hereby authorized to execute and deliver a certain agreement dated February 1, 1917, with Harry J. Moore and Josiah B. Bartow as vendors; and the Fidelity Trust Company of Philadelphia, Penna., and William P. Gest of Merion, Penna., as trustees; and a certain agreement of lease and agreement of assignment of lease with the Fidelity Trust Company of Philadelphia, Penna., and William P. Gest of Merion, Penna., to be called "Long Island Equipment Trust Series B," to secure an issue of \$940,000 face value of ten-year equipment trust certificates to be known as "Long Island Equipment Trust Certificates Series B," which mature serially as set forth in said agreement, bearing interest at the rate of 4½ per cent per annum, payable semiannually on the first days of February and August in each year; and that the forms of the aforesaid agreement, agreement of lease, and agreement of assignment of lease, filed in this case as exhibit A, are hereby approved; and The Long Island Railroad Company is further authorized to indorse on each of said certificates its guarantee for the prompt payment of the principal thereof and the interest thereon.

2. That upon the execution and the delivery of said agreement, agreement of lease, and agreement of assignment of lease herein authorized, there shall be filed with this Commission verified copies of the same in the forms in which they were executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the agreement, agreement of lease, and agreement of assignment of lease as executed and delivered are the same as herein approved by the Commission.

3. That said equipment trust certificates of the total face value of \$940,000 shall be sold at not less 98½ per cent of their face value and accrued interest to give net proceeds of at least \$925,900.

4. That said equipment trust certificates herein authorized of the total face value of \$940,000 or the proceeds thereof shall be applied solely and exclusively toward the purchase price of the equipment set forth in the lease hereinbefore approved, as follows: 18 steel P. 54 B. passenger cars, Nos. 371 to 388 inclusive; 4 steel parlor cars P. P. 70 C., Nos. 827, 828, 830, and 831; 1 steel P. B. 54 passenger and baggage combination car No. 627; 10 steel B. 40 A. baggage and express cars, Nos. 641 to 650 inclusive; 70 steel T. 54 trailer cars, Nos. 927 to 996 inclusive; 15 refrigerator milk cars, Nos. 3000 to 3014 inclusive; 4 type C. 51 S. 8-wheel switching locomotives, Nos. 251 to 254 inclusive; 6 type G. 53 S. C. freight locomotives, Nos. 141 to 146 inclusive; estimated cost of equipment which is covered by lease, \$1,175,000. Net proceeds from sale of certificates herein authorized, \$925,900; balance of required cash to be provided from the treasury of the petitioner, \$249,100: \$1,175,000.

5. That if the said certificates of a total face value of \$940,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$940,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

6. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by The Long Island Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That The Long Island Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what certificates have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such certificates were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds of the certificates herein authorized for the purpose specified herein during such period, and stating to what account or accounts such expenditures have been charged. Such reports

shall continue to be filed until all of said certificates shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no certificates were sold or disposed of or proceeds expended the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said certificates herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 774]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

Ordered: 1. That the third intermediate accounting entered into by the New York Central Railroad Company with the Village of Bronxville and this Commission, showing expenditures to the amount of \$8362.68 properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$8162.93 has been expended by the railroad corporation, and the sum of \$199.75 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its treasurer, and accepted by the Village of Bronxville as indicated by the signature of its village president.

2. That of the total amount of \$8362.68 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$4181.34; the share of the Village of Bronxville is the sum of \$2090.67; and the share of the State of New York is the sum of \$2090.67, upon which however it is entitled to a credit of \$199.75 expended by it as aforesaid, leaving as a balance now due and payable by the State of New York to said The New York Central Railroad Company from funds appropriated for the elimination of grade crossings the sum of \$1890.92.

[Case No. 1003]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the SUFFOLK GAS AND ELECTRIC LIGHT COMPANY under section 69 of the Public Service Commissions Law for authority to execute a mortgage and to issue bonds thereunder.

Fourth
amendatory
order.

By order herein dated July 20, 1909, as amended under dates of April 10 and 24, 1912, and November 17, 1915, the Suffolk Gas and Electric Light Company was authorized to execute and deliver to The Kings County Trust Company of the Borough of Brooklyn, State of New York, as trustee, a mortgage dated August 2, 1909, to secure an authorized issue of 5 per cent 50-year first mortgage gold bonds of the total face value of \$500,000, and to issue thereunder \$350,000 face value of such bonds, \$200,000 face value of which were to be exchanged for a like face value of 5 per cent 20-year collateral trust mortgage bonds dated May 1, 1898, at the prices set forth in said order as amended, and the balance, viz. \$150,000, were to be sold at the prices set forth in said order as amended, and to use such bonds or their proceeds in exchange for underlying bonds, for the discharge of current liabilities outstanding at November 30, 1911, and for extensions and improvements to the property of the company as detailed in clause 7 of the order herein dated April 10, 1912. According to verified reports filed herein in accordance with the requirements of the aforesaid orders, it appears that \$143,000 face value of such bonds have been issued and the proceeds realized from such sales have been accounted for, leaving an unissued balance of \$207,000 face value. Under date of May 17, 1916, the Long Island Lighting Company, in case No. 5578, filed an application for permission to issue and sell at not less than its par value \$200,000 par value of common capital stock, to use the proceeds realized from such sale for the acquisition of the entire outstanding capital stock of the Suffolk Gas and Electric Light Company aggregating a like par value, and to merge that company into itself. By order dated March 14, 1917, in that proceeding, such application of the Long Island Lighting Company was granted. Now, therefore, as the further financing of the Suffolk Gas and Electric Light Company property will be carried on by the Long Island Lighting Company, it is

Ordered: That the order in this proceeding dated July 20, 1909, as amended under dates of April 10 and 24, 1912, and November 17, 1915, is hereby further modified and amended to authorize the execution and delivery to The Kings County Trust Company of the Borough of Brooklyn, State of New York, as trustee, the said mortgage dated August 2, 1909, and to issue thereunder \$143,000 face value of 5 per cent 50-year first mortgage gold bonds, and to sell the same as follows: \$106,000 face value at 87 per cent, \$80,000 face value at 88½ per cent, and \$31,000 face value at 90 per cent, and to use the proceeds realized from such sales for the purposes enumerated in said order as amended; and the authorization in addition thereto to issue and sell or exchange \$207,000 face value of bonds and to use such bonds in exchange or the proceeds realized from their sale is hereby vacated.

[Case No. 2290]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the SOUTH SHORE GAS COMPANY under section 69 of the Public Service Commissions Law (1) for authority to issue \$50,000 in common capital stock, (2) for authority to issue a mortgage supplemental to its existing mortgage.

Amendatory
order.

By order herein dated April 20, 1911, the South Shore Gas Company was authorized to issue at not less than its par value \$50,000 par value of capital stock, to execute a supplement to its first mortgage dated July 1, 1910, given to the New York Trust Company of New York City as trustee, securing an issue of \$150,000 face value of 5 per cent 25-year first mortgage bonds, and to issue and sell thereunder for not less than 85 per cent of their face value and accrued interest \$63,000 of such bonds. The proceeds realized from the sale of such securities were authorized to be used for the construction and extension of the property of the company, discharge of indebtedness, etc., as set forth in clause 4 of said order. According to verified reports filed herein in accordance with the requirements of the aforesaid order, it appears that \$35,000 par value of the stock and all of the bonds so authorized have been sold and the proceeds thereof accounted for. Under date of May 17, 1916, the Long Island Lighting Company, in case No. 5577, filed an application for permission to issue and sell at not less than its par value \$63,300 par value of common capital stock, to use the proceeds realized from such sale for the acquisition of the entire outstanding capital stock of the South Shore Gas Company aggregating a like par value, and to merge that company into itself. By order dated March 14, 1917, in that proceeding, such application of the Long Island Lighting Company was granted. Now, therefore, as the further financing of the South Shore Gas Company property will be carried on by the Long Island Lighting Company, it is

Ordered: That the order in this proceeding dated April 20, 1911, is hereby modified and amended to authorize the issuance at not less than its par value of \$35,000 par value of capital stock, the execution of a supplement to its first mortgage dated July 1, 1910, and the issuance and sale under said mortgage for not less than 85 per cent of their face value of \$63,000 face value of 5 per cent 25-year first mortgage bonds, and the use of the proceeds of such securities for the purposes enumerated in that order; and the authorization in addition thereto to issue and sell \$15,000 par value of capital stock and to use the proceeds realized from such sale is hereby vacated.

[Case No. 2730]**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.****At a session of the Public Service Commission, Second
District, held in the city of Albany on the 28th day
of March, 1917.****Present:****SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.****In the matter of the Petition of the MAYOR AND BOARD
OF PUBLIC WORKS OF THE CITY OF ITHACA for the
elimination of a grade crossing of the Delaware,
Lackawanna and Western railroad on South Aurora
street, in the city of Ithaca, N. Y.**

The City of Ithaca filed with this Commission on January 15, 1912, a petition asking for the elimination of the South Aurora Street grade crossing of the Delaware, Lackawanna and Western railroad in the city of Ithaca. On account of the large number of prior petitions filed, and the inability of this Commission because of limited funds at its disposal to pay for the State's share of the cost of elimination projects, it was unable until the past year definitely to provide funds for the improvement asked for in this petition. After an informal conference participated in by railroad and city authorities, held on March 27, 1916, a hearing was held on July 8, 1916, in the city of Ithaca, at which time due proof of publication of notice of such hearing and of personal service thereof on interested property owners was made. At this hearing appeared Bert T. Baker, city attorney, for the City of Ithaca; A. J. McMahon, attorney, and F. L. Wheaton, division engineer, for The Delaware, Lackawanna and Western Railroad Company; E. N. Jackson for Mrs. Carrie Williams; Charles Smith, Frank J. Jehu, Mittie L. Beers, and Harry Manning; and J. H. Jennings for Danby Grange No. 1254. This hearing developed some opposition to the elimination of the crossing at South Aurora street in favor of a similar improvement at Hudson street, Hudson street being located approximately 1300 feet to the east of South Aurora street. Subsequently, however, there were filed with this Commission resolutions by Danby Grange No. 1254, Patrons of Husbandry, duly adopted at a meeting held on June 27, 1916; by Taughannock Tribe No. 72, Improved Order of Red Men, duly adopted at a meeting held on July 1, 1916; and petitions signed by a large number of residents of Ithaca and Danby to the Common Council and Board of Public Works of the City of Ithaca asking that the elimination be provided at South Aurora street.

Final hearing was held in Albany on March 2, 1917; Bert T. Baker and Henry L. Stewart appearing for the City of Ithaca, and A. J. McMahon and F. L. Wheaton for the railroad company. E. N. Jackson, who appeared for interested property owners at the previous hearing, notified the Commission by letter dated February 22, 1917 (notice of the receipt of such letter having been entered upon the minutes of the hearing), to the effect that he would not appear, but desired that his failure to appear should not be construed as a waiver of the right of his clients to claim or secure damages in the event of a favorable determination of the city's petition. At this hearing on March 2nd a plan which met with the approval of the railroad company and the city was presented. It provides for an undergrade crossing within the present lines of South Aurora street, the width of the subway between abutments being shown as 30 feet. The approach grade on the north side of the railroad is at the rate of 1 per cent instead of 2 per cent as contemplated in studies previously submitted; surface drainage to be led to an extension of an existing sewer in Mechanic street west of South Aurora street. The city agrees to build such sewer extension at its own cost and expense. Upon consideration of the evidence the Commission has finally concluded that the application should be granted, and accordingly

Orders: That the grade crossing of the Delaware, Lackawanna and Western railroad by South Aurora street in the city of Ithaca be closed and discontinued, and that the highway traffic be carried under the grade of the railroad in an undergrade crossing, all as hereinafter more accurately specified and described.

The undergrade crossing shall be 30 feet wide measured between neat lines of masonry. The clear headroom above the crown of the roadway shall be not less than 12½ feet, and the bridge carrying the railroad shall be of steel supporting a solid waterproof floor.

Beginning at a point approximately 160 feet north of the existing single track of the railroad, the grade of South Aurora street shall be changed so that its new grade shall ascend from the above named point at the rate of 1 per cent a distance of about 185 feet. From this point the new grade shall ascend south of the tracks at the rate of 12 per cent a distance of about 435 feet to an intersection with the surface of the street as it exists at the present time. Vertical curves not less than 150 feet long shall connect all changes in rates of grade.

Mechanic street shall be re-graded east and west of South Aurora street. The finished grade on the west side shall descend toward the west at a rate not to exceed 1 per cent, and the finished grade on the east shall descend toward the west at a rate not to exceed 15 per cent.

For the entire length embraced in this improvement South Aurora street shall be re-graded for a width of not less than 30 feet, and on the westerly side of such re-graded portion there shall be constructed a concrete sidewalk 6 feet wide. On the remaining 24-foot strip there shall be laid a Hillside brick pavement of such width as the city may ultimately determine. If such pavement is to be less than 24 feet wide, paved gutters wherever necessary shall be provided.

Surface drainage shall be accomplished by means of a series of catch-basins leading to an extension of an existing sewer in Mechanic street. The extension of this sewer, the cost of which is to be borne by the city only and is to form no charge against the elimination, is a necessary part of the work herein authorized, and the acceptance of this order by the city shall be deemed as an undertaking on its part to construct this sewer extension before the completion of the elimination project.

A driveway, the location of which at present is undetermined, shall be provided in order to give access to the Morse Chain Works. Any additional grading, masonry, or other work of minor character to minimize damage to property or to complete the project to the satisfaction of this Commission shall be performed, all as the circumstances upon further examination and detail study may prove to be advisable or necessary.

It has been agreed between the railroad corporation, the City of Ithaca, and this Commission, and this order is made upon the express condition that there shall be charged against the elimination project as the cost of paving the re-graded portion of South Aurora street such a sum as would provide for a waterbound macadam pavement 16 feet wide, said cost to be computed on the basis of \$1.25 per square yard of pavement, and that the cost of any paving on South Aurora street in excess of an amount as thus determined shall be charged against, be payable, and paid by the City of Ithaca.

The roadway of Mechanic street within the limits of its grade revision shall be re-graded for a width of approximately 16 feet, and upon such re-graded portion a waterbound macadam pavement shall be laid. A suitable paved roadway shall also be provided on the private drive leading to the Morse Chain Works.

The entire improvement as herein contemplated is shown upon and shall be carried out substantially in accordance with a general plan on file with this Commission, said plan being entitled as follows: "D., L. & W. R. R. Scranton Div. Ithaca Br. Map Showing Proposed Elimination of South Aurora St. Grade Crossing, Ithaca. Scale 1"=50'. Feb. 20, 1911. Revised Oct. 4, 1911. Revised June 29, 1916. Revised Aug. 30, 1916. Revised Mar. 6, 1917."

[Case No. 3233]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the SUFFOLK GAS
AND ELECTRIC LIGHT COMPANY under section 69 of the Amendatory
Public Service Commissions Law for authority to order.
issue mortgage bonds.

By order herein dated January 29, 1913, the Suffolk Gas and Electric Light Company was authorized to issue at not less than 87 per cent of their face value and accrued interest \$134,000 face value of 5 per cent 50-year first and refunding mortgage gold bonds, and to use the proceeds aggregating \$116,580 to be realized from such sales for extensions and improvements as detailed in clause 3 of such order. According to verified reports filed herein in accordance with the requirements of the aforesaid order, it appears that \$55,000 of such bonds have been sold and the proceeds thereof accounted for. By order dated March 14, 1917, in case No. 5578, as a result of a petition filed therein by the Long Island Lighting Company, that company was authorized to issue and sell at not less than its par value \$200,000 par value of common capital stock, to use the proceeds realized from such sale for the acquisition of the entire outstanding capital stock of the Suffolk Gas and Electric Light Company aggregating a like par value, and to merge that company into itself. Now, therefore, as the further financing of the Suffolk Gas and Electric Light Company property will be carried on by the Long Island Lighting Company, it is

Ordered: That the order in this proceeding dated January 29, 1913, is hereby modified and amended to authorize the issuance at not less than 87 per cent of their face value and accrued interest of \$55,000 face value of 5 per cent 50-year first and refunding mortgage gold bonds and the use of the proceeds thereof for the purposes enumerated in that order; and the authorization in addition thereto to issue and sell \$79,000 face value of bonds and to use the proceeds realized from such sales is hereby vacated.

[Case No. 3295]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the SOUTH SHORE GAS COMPANY for authority under section 69 of the Public Service Commissions Law to issue \$25,000 par value of its capital stock, and \$50,000 par value of additional bonds under a mortgage heretofore authorized by this Commission.

Amendatory
order.

By order herein dated January 29, 1913, the South Shore Gas Company was authorized to issue \$25,000 par value of capital stock at not less than its par value, and \$50,000 face value of 5 per cent 25-year first mortgage bonds at not less than 87 per cent of their face value and accrued interest, and to use the proceeds aggregating \$68,500 to be realized from such sales for additions and betterments to the plant and property of the petitioner as detailed in clause 4 of such order. According to verified reports filed herein in accordance with the requirements of the aforesaid order, it appears that \$3300 of the stock and \$46,000 of the bonds heretofore authorized herein have been sold and the proceeds thereof used for the authorized purposes. Under date of May 17, 1916, the Long Island Lighting Company, in case No. 5577, filed an application for permission to issue and sell at not less than its par value \$63,300 par value of its common capital stock, to use the proceeds realized from such sale for the acquisition of the entire outstanding capital stock of the South Shore Gas Company aggregating a like par value, and to merge that company into itself. By order dated March 14, 1917, in that proceeding, such application of the Long Island Lighting Company was granted. Now, therefore, as the further financing of the South Shore Gas property will be carried on by the Long Island Lighting Company, it is

Ordered: That the order in this proceeding dated January 29, 1913, is hereby modified and amended to authorize the issuance at not less than its par value of \$3300 par value of capital stock, and for not less than 87 per cent of their face value and accrued interest of \$46,000 face value of 5 per cent 25-year first mortgage bonds, and the use of the proceeds thereof for the purposes enumerated in that order, and the authorization in addition thereto to issue and sell \$21,700 par value of capital stock and \$4000 face value of bonds and to use the proceeds realized from such sales is hereby vacated.

[Case No. 4885]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the LEHIGH-BUFFALO TERMINAL RAILWAY CORPORATION under section 9 of the Railroad Law and section 53 of the Public Service Commissions Law as to construction and exercise of franchises as a railroad company; and under section 55 of the Public Service Commissions Law for authority to issue common capital stock and debenture bonds.

Amendatory
order.

On December 31, 1915, the Lehigh-Buffalo Terminal Railroad Corporation was authorized to issue \$50,000 par value of its common capital stock and \$4,650,000 face value of its 5 per cent 50-year gold debenture bonds, and to use the proceeds realized from the sale thereof at the par and face value thereof respectively for certain purposes specifically enumerated in clause 4 of such order. According to verified reports filed herein pursuant to the requirements of the aforesaid order, it appears that all of the stock so authorized and only \$3,740,000 face value of the bonds have been sold and the proceeds accounted for, leaving unissued \$910,000 authorized debentures. By application filed on the 15th day of December, 1916, in case No. 5826, the petitioner asks for permission to execute a mortgage for \$5,000,000 and to issue thereunder for not less than 95 per cent of their face value a like amount of 4½ per cent 50-year first mortgage gold bonds, and to use the proceeds realized from such sale for the discharge of the aforesaid \$3,740,000 face value of debenture bonds outstanding at June 30, 1916, and for purposes similar to those for which the balance of proceeds to be realized from the sale of the remainder of the debenture bonds still unissued in this case were to be used, namely, for additional construction expenditures. By order dated March 20, 1917, in that case [No. 5826] the application of the company was granted. Now therefore, upon the foregoing record,

Ordered: That the Commission's order in this proceeding dated December 31, 1915, is hereby modified and amended to authorize the issuance and sale at the par and face value thereof of \$50,000 par value of common capital stock, and \$3,740,000 face value of 5 per cent 50-year gold debenture bonds, respectively, and the use of their proceeds for the purposes described in the aforesaid order; and the authorization in addition thereto to issue \$910,000 face value of said bonds is hereby vacated.

204 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Cases Nos. 5151, 5152, 5153, 5154] STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second
District, held in the city of Albany on the 28th day
of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of MURRAY ELECTRIC
LIGHT AND POWER COMPANY and JOHN J. RIORDAN,
JR., under section 70 of the Public Service Commis-
sions Law for consent to the transfer to Riordan of
the franchises, works, and system of the company.

In the matter of the Joint Petition of the ORANGE
COUNTY POWER COMPANY and JOHN J. RIORDAN, JR.,
under section 70 of the Public Service Commissions
Law for consent to the transfer to Riordan of the
franchises, works, and system of the company.

In the matter of the Joint Petition of PORT JERVIS
LIGHT AND POWER COMPANY and JOHN J. RIORDAN,
JR., under section 70 of the Public Service Commis-
sions Law for consent to the transfer to Riordan of
the franchises, works, and system of the company.

In the matter of the Joint Petition of ORANGE COUNTY
LIGHTING COMPANY and JOHN J. RIORDAN, JR.,
under section 70 of the Public Service Commissions
Law for consent to the transfer to Riordan of the
franchises, works, and system of the company.

The applications of the Murray Electric Light and Power Company, Orange
County Power Company, Port Jervis Light and Power Company, and Orange
County Lighting Company in these proceedings pray for permission to trans-
fer their franchises and to sell all of their properties, free and clear of all
debts, liens, and incumbrances, to John J. Riordan, jr., in accordance with a
certain contract dated April 1, 1915, a copy of which is attached to the
petition in case No. 5155, wherein the Orange County Public Service Cor-
poration asks for permission to acquire from the said John J. Riordan, jr.,
the properties, rights, and privileges which he proposed to acquire from the
hereinbefore mentioned corporations. Subsequently a supplemental petition
was filed on January 26, 1917, in case No. 5155, in which the Orange County
Public Service Corporation asks for permission to acquire direct and not
through the said John J. Riordan, jr., the franchises, properties, privileges,
etc., of the Murray Electric Light and Power Company, Orange County
Power Company, Port Jervis Light and Power Company, and Orange County
Lighting Company. Now therefore, upon the foregoing record, it is

Ordered: That cases Nos. 5151 to 5154 inclusive are hereby closed upon
the records of the Commission, and all papers, etc., submitted in connection
therewith shall be considered part of the record in case No. 5155.

[Case No. 5155]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of ORANGE COUNTY PUBLIC SERVICE CORPORATION and JOHN J. RIORDAN, JR., under section 70 of the Public Service Commissions Law, being also the petition of the Orange County Public Service Corporation under sections 68 and 69 of the Public Service Commissions Law as to exercise of franchises, and issuing common capital stock, a mortgage, and mortgage bonds.

Petition filed August 27, 1915; inventories and appraisals of the properties to be transferred filed August 27, 1915; reports of division of capitalization dated December 17, 1915, June 12, September 15, and October 17, 1916, and January 30, 1917; reports of gas engineer dated February 28 and April 13, 1916; reports of electrical engineer dated April 20 and May 9, 1916; hearings held July 13, 1916, and January 31, February 8 and 23, 1917; supplemental petition filed January 26, 1917; form of proposed mortgage filed March 3, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Murray Electric Light and Power Company, Orange County Power Company, Port Jervis Light and Power Company, and Orange County Lighting Company are hereby authorized to transfer their franchises and sell all their properties and assets as described in a certain contract dated April 1, 1915, attached to the petition herein as schedule B, free and clear of all debts, liens, and incumbrances, to the Orange County Public Service Corporation; and the Commission hereby permits and approves the transfer to and the acquisition by the Orange County Public Service Corporation of such franchises, properties, and assets of the aforesaid corporations.

2. That the Orange County Public Service Corporation is hereby authorized to issue \$600,000 par value of its capital stock, \$350,000 of which shall be classified as common and \$250,000 as 7 per cent cumulative preferred, which stock shall be sold at a price not less than the par value thereof to give net proceeds of at least \$600,000.

3. That the Orange County Public Service Corporation is hereby authorized to execute and deliver to a trustee to be hereafter designated a certain indenture, deed of trust, or mortgage, to secure a total issue of \$5,000,000 45-year first mortgage gold coupon bonds bearing interest at the rate of 5 per cent per annum, and that the form of such indenture filed herein as exhibit AA is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

4. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

5. That the Orange County Public Service Corporation is hereby authorized to issue \$1,200,000 face value of its 5 per cent 45-year first mortgage gold coupon bonds under the aforesaid mortgage.

6. That said bonds of the total face value of \$1,200,000 shall be sold for not less than 87½ per cent of their face value and accrued interest to give net proceeds of at least \$1,050,000.

7. That said stock and bonds of the par and face value of \$1,800,000 so authorized, or the proceeds thereof to the amount of \$1,650,000, shall be used solely and exclusively for the following purposes: (a) For the purchase and acquisition of all of the property and assets of the Murray Electric Light and Power Company, Orange County Power Company, Port Jervis Light and Power Company, and Orange County Lighting Company, as described in a certain contract dated April 1, 1915, attached to the petition herein as schedule B, provided that such assets shall when purchased at least equal in investment those owned by such corporations on September 1, 1916, \$1,600,000; (b) for preliminary organization expenses of the petitioner which shall be charged in the manner provided in the Commission's Uniform Systems of Accounts for Electrical and Gas Corporations, \$50,000: \$1,650,000.

8. That if the said securities of a total par and face value of \$1,800,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,650,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

9. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Orange County Public Service Corporation unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

10. That the Orange County Public Service Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds of the securities herein authorized for the purposes specified herein and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

11. That upon the acquisition of the property and assets of the Murray Electric Light and Power Company, Orange County Power Company, Port Jervis Light and Power Company, and Orange County Lighting Company, all of such properties shall be entered upon the books of the Orange County Public Service Corporation at the value as of September 1, 1916, shown in the report of the Commission's division of capitalization dated January 30, 1917, except as the same may be modified by any subsequent duly authorized business transactions of the aforesaid corporations.

12. That within thirty days after the acquisition of the properties herein authorized complete statements shall be filed with the Commission, duly verified by the respective secretaries or other executive officers, including (a) details of the changes in the accounts of the Murray Electric Light and Power Company, Orange County Power Company, Port Jervis Light and Power Company, and Orange County Lighting Company in so far as they record the changes in their properties and assets from September 1, 1916, to the date of the actual acquisition of such properties by the Orange County Public Service Corporation; (b) detailed balance sheets of the properties to be acquired by the Orange County Public Service Corporation as of the date of such actual acquisition; (c) particulars of the entries made upon the books of the Orange County Public Service Corporation reflecting the acquisition of the properties herein authorized; (d) detailed balance sheet of the Orange County Public Service Corporation as of such date.

13. That the excess of the purchase price of \$1,600,000 over the assets to be acquired by the Orange County Public Service Corporation as herein provided, which excess amounted to \$56,135.56 as of September 1, 1916, shall be charged to an account to be called "Suspense to be Amortized," which shall be amortized within fifteen years from January 1, 1919, in equal annual instalments, by charges to the prescribed account "Contractual Deductions from Income"; provided that said company may amortize the said sum more rapidly than herein provided by crediting the account "Suspense to be Amortized" and debiting the account "Corporate Surplus" with the excess so credited over the amount required herein.

14. That in the event that at any time in the future complaints are filed with the Commission against the rates of petitioner herein pursuant to the provisions of the statutes of the State of New York relating thereto, it shall be understood that this Commission and its successors shall not be bound by the findings in this case in respect to the capitalization herein authorized and permitted.

15. That the authority contained in this order to issue securities and to acquire property is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days from the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above mentioned.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issuance of the securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except in an amount of bond proceeds equivalent to the difference between the purchase price to be paid for the properties of these corporations and the assets to be acquired therefrom, which difference will be either \$56,135.56 or some lesser amount.

[Case No. 5467]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the SALMON RIVER POWER COMPANY for authority to issue, pursuant to section 69 of the Public Service Commissions Law, \$54,400 in par value of its capital stock, and \$207,000 face value of its 5 per cent forty-year gold bonds secured by its mortgage dated October 5, 1912; and of the SALMON RIVER POWER COMPANY and PULASKI ELECTRIC LIGHT COMPANY for consent, pursuant to section 70 of the Public Service Commissions Law, to the transfer by the Pulaski Electric Light Company to the Salmon River Power Company of the entire property, rights, privileges, and franchises of said Pulaski Electric Light Company; and for authority to the Pulaski Electric Light Company, pursuant to section 70, to acquire stocks and bonds of the Salmon River Power Company in exchange for said transfer. Also petition of the NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY for permission to guarantee said bonds of the Salmon River Power Company.

Supplemental
order.

By order herein dated January 9, 1917, the Salmon River Power Company was authorized to issue and sell for not less than 87 per cent of their face value and accrued interest, \$216,000 face value of 5 per cent 40-year first mortgage gold bonds, and the Niagara, Lockport and Ontario Power Company was permitted to guarantee the payment of the principal and interest of the bonds so authorized. Under dates of February 15 and March 22, 1917, such order was amended to authorize the issuance of \$50,300 par value of common capital stock, and the use of the proceeds thereof, together with the proceeds realized from the sale at 88½ per cent of their face value and accrued interest (instead of 87 per cent as originally authorized) of the \$216,000 of bonds authorized to be issued by the aforesaid order of January 9, 1917, for the acquisition of property and extensions and improvements as set forth in said orders. Said order of March 22, 1917, also authorized the issuance at not less than 88½ per cent of their face value and accrued interest of \$4000 face value of additional bonds, and the application of the proceeds realized from the sale thereof toward the above purposes, but the Niagara, Lockport and Ontario Power Company was not specifically authorized to guarantee the payment of the principal and interest of such additional bonds, although the original application of that company in this case asked for authority to guarantee the payment of the principal and interest of all bonds herein authorized to be issued by the Salmon River Power Company. Now therefore, upon the foregoing record,

Ordered: That the permission and approval of this Commission are hereby given to the Niagara, Lockport and Ontario Power Company to guarantee the punctual payment of the principal and interest of the \$4000 face value of additional 5 per cent 40-year first mortgage gold bonds of the Salmon River Power Company authorized to be issued by order herein dated March 22, 1917.

[Case No. 5608]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to an alteration in the manner in which state highway route No. 18 crosses the New York Central Railroad in the town of Lewiston, Niagara county.

On January 10, 1915, there was filed with this Commission a petition by the town board of the Town of Lewiston, Niagara county, under section 91 of the Railroad Law for a determination that an existing highway bridge on the River road where it crosses the New York Central railroad in the town of Lewiston, at the Devil's Hole, is dangerous; and for an order directing and compelling said The New York Central Railroad Company and the International Railway Company or either of them to remove the present bridge structure which it is alleged is dangerous by reason of its alignment and restricted width, and to erect and construct without expense to said Town of Lewiston a proper bridge in line with and of the width of said River road [case No. 5035]. Hearings on this petition were held on October 8, 1915, and January 7, 1916, at which it was finally agreed that since the River road has been designated as a state highway (route No. 18), application for the reconstruction of said bridge structure properly should be made by the State Commission of Highways. After conferences between the petitioner and the Department of Highways, the petition of the latter herein was filed on or about June 22nd last. The River road, or state route No. 18, is the principal line of highway travel between the city of Niagara Falls and the village of Lewiston, and is much used by residents of the county and by the large number of tourists (including, it is said, many young married couples on honeymoon bent) who visit Niagara Falls each year. It is largely used by people who travel by public motor cars to connect with the line of passenger steamboats which operate between the village of Lewiston and the city of Toronto, Canada, and points easterly on Lake Ontario and the St. Lawrence river. The crossing by this highway of the New York Central railroad is by means of a steel bridge which spans the rock cut in which a single track railroad is located. This bridge carries a timber floor, the effective roadway width being 16 feet. The position of the structure is such as to require considerable curvature on each end of the bridge to connect the roadway thereover with the highway; and because of these conditions of both layout and construction the said bridge crossing is alleged to constitute a source of public danger. After proper notice to all parties in interest, hearings herein were held by this Commission on July 28 and September 15, 1916, and March 13, 1917, due proof of publication of such notice and of personal service thereof on property owners being of record. At the various hearings there appeared A. W. Andrews, Frank A. Hermans, and E. C. Lawton for the State Commission of Highways; Maurice C. Spratt, B. S. Voorhees, and F. A. Paradis for The New York Central Railroad Company; Cohn, Chormann & Franchot for the International Railway Company; Augustus Thibaudeau and A. J. Nichols, and various members of the town board, for the Town of Lewiston; members of the boards of trade of the city of Niagara Falls and of the village of Lewiston; and several property owners in person. The axis of the existing bridge intersects the railroad alignment on an angle of about 41 degrees and 18 minutes. The petitioners desired that the new structure should be so located as to intersect

the railroad at an angle of approximately 21 degrees and 25 minutes. This would necessitate the construction of considerable stretches of new highway on each side of the bridge to connect with the existing road. The railroad company, on the other hand, proposed a bridge location which would result in an intersecting angle of about 30 degrees. As estimated by this Commission, the cost of a steel structure carrying a solid floor 24 feet wide between curbs constructed on the alignment desired by the Highway Commission would be about \$22,000, while the cost of a reinforced concrete arch structure on the same alignment would be about \$16,000; the cost of a steel bridge carrying a solid floor of the same width placed on a 30-degree angle as proposed by the railroad company would be about \$13,000, while the cost of a reinforced concrete arch on the same alignment would be about \$13,000. Under all of the foregoing estimates it was contemplated that there should be an effective roadway width between wheel-guards of 24 feet, the cost of paving on either the bridge or the arch, however, not being included. The railroad corporation objected to the construction of a crossing-structure at the acute angle proposed by the State Commission of Highways, and to the incidental highway re-location and construction on each side of the railroad cut to connect with the new bridge, all on the score of increased expense; but the change in alignment proposed by the Department, with the consequent elimination of the existing curvatures of the highway approaches at either end of the bridge — the features thus to be eliminated, as it is alleged, being largely responsible for the frequent injuries to persons and damages to property which have occurred at this crossing — has been approved and earnestly favored by the Chamber of Commerce of Niagara Falls and other civic bodies represented at the various hearings in this case, and has commended itself to this Commission. To meet the objection of the railroad corporation that the latter properly should not be burdened with the increased cost which would be involved in change of the present bridge alignment, it has been proposed and finally agreed that the State Commission of Highways shall assume the entire cost and expense of the necessary highway re-location and construction, including the cost of all land and land damages which shall be incidental thereto; and if the cost of the new bridge shall exceed the sum of \$16,000, that the Highway Department shall also pay and discharge the cost and expense of the asphalt block pavement which is to be laid on said bridge structure. Such agreement appearing to be fair and equitable to this Commission, it accordingly has been determined that the new bridge shall be constructed upon the alignment proposed by the State Commission of Highways and approved by the local authorities of the Town of Lewiston and the various civic bodies represented at the hearings herein, and accordingly it is

Ordered: 1. That the existing structure on state route No. 18, in the Town of Lewiston, Niagara county, over the single track of the New York Central railroad shall be removed, and that in place thereof there shall be constructed a new overgrade crossing as hereinafter particularly described.

2. Beginning at a point in the center line of the existing improved highway on the north side of the track at a point designated as station 12+.09 on a map dated August 22, 1906, on file with this Commission, the alignment of the state road shall be changed so that its revised center line from the above named point shall continue in a straight line to a point designated as station 19+64.5 on the center line of the existing improved highway on the south side of the track, intersecting the railroad alignment at the location of the present structure on an angle of approximately 21 degrees and 25 minutes. The overgrade crossing shall be so placed that its axis shall coincide with the revised highway line above described. The structure shall consist of a reinforced concrete arch supporting a roadway 24 feet wide between wheel-guards with substantial concrete railings on each side; the roadway for the entire width between curbs to be paved with asphalt block or other material as may be desired by the State Commission of Highways and approved by this Commission. The roadway over the arch shall be substantially level, the elevation of the roadway crown to be approximately 565.0, highway commission datum. Unless hereafter otherwise determined and permitted by this

Commission, temporary means of crossing during the construction period must be maintained, either by removal of the existing bridge to a new location so as to permit a continuance of highway travel, or by other means deemed by this Commission sufficient and satisfactory to care for such travel.

3. In accordance with the understanding arrived at during the hearing on March 13, 1917, between the State Commission of Highways and the railroad corporation, said State Commission of Highways shall assume the entire cost of the re-location of the state highway on each side of the railroad and its improvement and reconstruction, including the costs of any lands, rights, or easements necessary or required for the purpose of carrying out the provisions of this order, and of any land or other damages whatsoever which may arise by virtue thereof; provided nevertheless that the expense of acquiring any necessary easement in connection with the construction of the temporary bridge crossing referred to in clause 2 hereof shall not be assumed by the State Commission of Highways but shall be charged against the elimination project. It shall further assume, pay, and discharge so much of the paving on the crossing structure as shall under conditions hereafter described limit the amount to be paid by the railroad corporation as its share of the project to the sum of \$8000. The New York Central Railroad Company and the State Commission of Highways shall be chargeable in equal amounts with the cost of the structure spanning the railroad track, including the cost of providing for a temporary crossing and its final removal. If the cost of said structure, etc., shall be less than the sum of \$16,000, thus making the share of the railroad less than \$8000, the railroad corporation shall pay toward the cost of the paving on said structure in such amount as shall make its total share of the cost of the project not to exceed \$8000, but in no event shall it be charged with more than one-half the cost of such paving.

The changes in the alignment of the highway and the location of the arch shall be substantially as shown upon a plan dated August 22, 1917, on file with this Commission, said plan being marked Exhibit A.

[Case No. 5731]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the BUFFALO PRODUCE EXCHANGE, representing the Frontier Sand and Gravel Corporation and Squaw Island Sand and Gravel Corporation, complainants, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, respondent, as to proposed rate and carload minimum weight regulation applying in connection therewith on sand and gravel, in carloads, from North Tonawanda, N. Y., to Niagara Falls, N. Y.

Complaint filed October 5, 1916; first suspension order October 11, 1916; second suspension order January 23, 1917; third suspension order February 26, 1917; hearing held at Albany January 3, 1917. Appearances: R. A. Kellogg and F. W. Seaman for complainants; W. S. Kallman for respondent. In this case the Buffalo Produce Exchange, representing the Frontier Sand and Gravel Corporation and the Squaw Island Sand and Gravel Corporation, complained to the Commission against a tariff filed by The New York Central

Railroad Company to take effect October 16, 1916, which restores the rate on sand and gravel between North Tonawanda and Niagara Falls to forty-seven cents per ton of two thousand pounds, claiming that this rate is unjust, unreasonable, and discriminatory, and that it ought not to be more than thirty-two cents per ton. It appeared that prior to August 10, 1916, the rate on this material was forty-seven cents per ton between the points in question and like points. On that date this rate was reduced to thirty-two cents, and the railroad company attempted to restore the rate of forty-seven cents by the tariff which is the subject of this complaint and which is now under suspension. The thirty-two cent rate was put into effect in order to facilitate the movement of a very large amount of sand and gravel to Niagara Falls, estimated to be about 40,000 tons, and it was expected that the material would be supplied by the Squaw Island Sand and Gravel Corporation and the Frontier company. It developed subsequently that notwithstanding the reduced rate which was named by the railroad company, it was not sufficiently attractive to procure this business, so that no additional traffic was stimulated by the lower rate; and the occasion for it not having materialized, the railroad company attempted to restore the rate which formerly applied on such material between these points. Sand and gravel at Niagara Falls are now supplied largely by the River Sand Company which has docking facilities at that point. The gravel companies which are interested in this complaint are unable to obtain such docking facilities, but desire the railroad company to continue the thirty-two cent rate so as to enable them to sell this material to middlemen and others and compete for this class of business in Niagara Falls, N. Y. The market price of this material fluctuates in that city as much as fifteen cents a yard, and the prevailing price there now is about \$1.10 per yard. The complaining sand corporations urge that unless they can have the benefit of the thirty-two cent rate they can not make any profit out of their business because the River Sand Company can undersell them. Our investigation discloses that even with the thirty-two cent rate the complainants could not hope successfully to compete for the business at points on the Niagara Junction railway, and probably at none of the points in the three switching districts of the New York Central railroad at Niagara Falls.

This is not a case where the railroad company is endeavoring to obtain approval of a lower rate to enable it to compete with water transportation, but its proposed rate is attacked on the ground that it is unreasonable because it prevents the producers of sand and gravel from reaping a profit on their business. We do not understand that it is our province to regulate the rates of the railroad so as to enable profits to be realized out of business under such conditions as those which are brought to our attention here. On the thirty-two cent rate, the railroad company would earn approximately 2.9 cents per ton-mile, including switching at North Tonawanda or Niagara Falls; on the forty-seven cent rate, it earns approximately 4.3 cents per ton-mile which also covers the expense for switching. The evidence is that there has been approximately one car a day of sand or gravel from North Tonawanda to Niagara Falls for a considerable period, including the time when the thirty-two cent rate was in force. The sand and gravel tariffs of the railroad company in the territory in question are all constructed on substantially the same basis, and we see no reason why they should be put out of line by the continuance of the thirty-two cent rate as desired by the petitioners. Some evidence was introduced to show that other railroads had lower rates on sand and gravel, and it was argued that this was conclusive proof that the proposed forty-seven cent rate was too high. The rates cited, which were lower, were in most cases for much longer hauls so that they are not fairly comparable with the present situation. Then again, we have nothing to show how these other rates originated or the necessity for them or the traffic conditions under which the tonnage moved or its volume. It is a well known fact that freight movements in the Buffalo territory are carried on by the New York Central under difficulties, and that such operations are expensive due to the great congestion there and the necessity for extensive terminal facilities. We have ascertained, however, that under the provisions of N. Y. C. tariff P. S. C., 2 N. Y., No. 2329, applying to sand and

gravel in carloads, minimum weight 60,000 pounds, the rate from East Buffalo, Black Rock, and Harriet to North Tonawanda is forty-two cents per net ton, whereas it is now proposed in the tariff which is under suspension to make the rate from North Tonawanda to Niagara Falls and Suspension Bridge, involving substantially the same haul, forty-seven cents per net ton. Under all the circumstances, therefore, we are of the opinion that the tariff under suspension should be canceled and that a proper readjustment of rates should be made. It is therefore

Ordered: 1. That the respondent herein be and it is hereby notified and required to cancel on or before April 10, 1917, the various schedules enumerated and described in the orders heretofore made by the Commission in this matter, and to establish in lieu of the rate so canceled and as superseding the effective rate of thirty-two cents per two thousand pounds based on minimum carload weight of 80,000 pounds, a rate of forty-two cents per two thousand pounds on basis of minimum carload weight of 60,000 pounds, to apply on shipments of sand and gravel in carloads when transported from North Tonawanda to Niagara Falls and Suspension Bridge, New York.

2. That the respondent herein is authorized and directed to readjust, effective April 10, 1917, its rates on sand and gravel, in carloads, minimum weight 60,000 pounds, applying between points in the Niagara Frontier, in proper relationship to the rate herein ordered.

[Case No. 5774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of POUGHKEEPSIE CITY AND WAPPINGERS FALLS ELECTRIC RAILWAY COMPANY under subdivision 10, section 8, Railroad Law, for consent to the making of a first refunding mortgage for \$2,000,000; and under section 55, Public Service Commissions Law, for authority to issue now \$596,000 in 5 per cent 40-year gold bonds to be secured thereby.

Petition filed November 13, 1916; certified copy of articles of incorporation filed November 23, 1916; report of division of capitalization dated January 8, 1917; report of division of steam roads dated January 15, 1917; hearing held February 13, 1917; copy of proposed mortgage filed February 27, 1917; report of division of capitalization dated March 27, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Poughkeepsie City and Wappingers Falls Electric Railway Company is hereby authorized to execute and deliver to the Equitable Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of January, 1917, to secure an issue of first mortgage sinking fund coupon gold bonds, bearing interest at the rate of 5 per cent per annum, payable on the first days of January and July in each year, to the aggregate amount of \$5,000,000 face value, a copy of which mortgage has been filed with the Commission herein; provided that no bonds shall be issued under the security thereof until the form of such indenture shall have been approved by the Commission.

2. That the Poughkeepsie City and Wappingers Falls Electric Railway Company is hereby authorized to issue \$596,000 face value of its 5 per cent first mortgage sinking fund coupon gold bonds under the aforesaid mortgage.

3. That the said bonds of a total face value of \$596,000 shall be used solely and exclusively for the purpose of even exchange for a like face amount of the following outstanding bonds: \$346,000 face value of first mortgage 5 per cent 30-year gold bonds maturing July 1, 1924; \$250,000 face value of second mortgage 6 per cent 30-year gold bonds maturing July 1, 1937; provided that if only a portion of the bonds herein authorized of a total face value of \$596,000 shall be used for the purpose of exchange, the said partial exchange shall be on the same proportionate basis as is hereinbefore required for the entire amount.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Poughkeepsie City and Wappingers Falls Electric Railway Company unless any such pledge or hypothecation shall have been expressly approved and authorized by the Commission.

5. That this proceeding is hereby continued upon the records of the Commission until its books of account are adjusted to the facts to the satisfaction of the Commission.

6. That the Poughkeepsie City and Wappingers Falls Electric Railway Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been exchanged during such period in accordance with the authority contained herein; (b) the date of such exchange; (c) with whom such bonds were exchanged; (d) the face amount of bonds received in exchange; (e) any other terms and conditions of such exchange. Such reports shall continue to be filed until all of said bonds shall have been exchanged in accordance with the authority contained herein, and if during any period no bonds were exchanged the report shall set forth such fact.

7. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except in the amount of \$68,452.30.

[Case No. 5864]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

FREDERICK W. ANDERSON, doing business as Century Coal Company in New York city, against NEW YORK TELEPHONE COMPANY as to discontinuance of telephone service.

Frederick W. Anderson, doing business as the Century Coal Company, having complained to the Commission against the New York Telephone Company, alleging in effect that by discontinuing complainant's telephone service for non-payment of \$35.55, claimed to be due respondent from complainant under the contract between them, respondent thereby rendered itself liable

to prosecution by the Public Service Commission for a penalty, under section 102 of the Public Service Commissions Law; and asking therefore that punishment "pursuant to section 102 of the Public Service Commissions Law" be inflicted upon respondent by the Commission. And the case having come on for a hearing before the Commission, when it was made plain by the complainant himself that he desired no relief in the shape of restoration of service, this having already been restored to him under another name and by another contract; and it appearing further that no order has ever yet been made by this Commission in respect to any of the matters in dispute between himself and the New York Telephone Company, and that consequently no order of the Commission in reference to these matters has yet been violated by the respondent, and that the dispute between this complainant and respondent has already taken the form of litigation in the courts and relates in part to matters which are outside the jurisdiction of this Commission; and the Commission being of the opinion that in the absence of any desire on complainant's part for a restoration of telephone service there is no action for it to take at the present time in connection with this controversy, it is hereby

Ordered: That this complaint be and the same hereby is dismissed and that this case be closed upon the records of the Commission.

[Case No. 5913]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of THE A. SHERMAN LUMBER COMPANY and MYRON E. ROBSON under section 70, Public Service Commissions Law, for consent to the transfer of the franchise, works, and system of an electric plant from the Lumber company to Robson.

Petition filed February 19, 1917; affidavits of publication of notice of hearing filed at adjourned hearing held in the city of Albany on March 27, 1917. Appearance, C. S. Ferris for petitioners. In February, 1916, Myron E. Robson leased from the A. Sherman Lumber Company the electric light plant and distribution system in the unincorporated village of Parishville, together with the rights, privileges, and franchises pertaining thereto, with an option to purchase said property, and said Robson has exercised such option. The parties now desire the consent of this Commission to the transaction. The electric light property was acquired by the lumber company incidentally in connection with the acquisition of other property required for the purposes of its business. It also acquired such franchises to use the streets and highways in the village as were owned by the parties who transferred such plant and property to it. No copies of such franchises have been presented to the Commission. No objection having been made to the proposed transfer of the electric light plant as set forth in the petition, it is

Ordered: 1. That pursuant to the provisions of section 70 of the Public Service Commissions Law, the consent of this Commission be and the same hereby is given to the transfer by The A. Sherman Lumber Company to Myron E. Robson of Parishville, N. Y., of the electric light plant and transmission and distribution system in the unincorporated village of Parishville,

N. Y., together with such franchise or franchises as may have been granted by the Town of Parishville to Pliny J. Clark, and by him transferred to said lumber company.

2. That pursuant to the provisions of section 68 of the Public Service Commissions Law permission and approval be and they hereby are given to Myron E. Robson of Parishville, N. Y., to construct, maintain, and operate an electric light plant and transmission and distribution system in the unincorporated village of Parishville, N. Y., and to exercise the franchise or franchises, if any, heretofore granted by the Town of Parishville to one Pliny J. Clark, covering the construction, maintenance, and operation of pole lines and wires in the streets, avenues, and public places of said town.

Special Permission Tariffs, March, 1917.

No. 6439; March 1, 1917; E. Morris, representing various railroad corporations:

Ordered: That under application dated and filed March 1, 1917, the railroad corporations herein named, or their duly authorized agents, be and hereby are authorized to postpone until June 29, 1917, the taking of effect of the rates, charges, regulations, and practices as stated in items of schedules contained in tariffs, viz:

Buffalo, Rochester and Pittsburgh Railway Company: supplement No. 3 to P. S. C., 2 N. Y., No. 1298, on page three thereof in item No. 570-A, effective March 3, 1917.

Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof): supplement No. 20 to P. S. C., 2 N. Y., No. A-587, on page ten thereof in items Nos. 605-B, 610-A, 612-A, effective March 15, 1917.

The New York, Chicago and St. Louis Railroad Company: supplement No. 10 to P. S. C., 2 N. Y., No. 561, on second page thereof in items Nos. 580-B, 585-A, and 586-A; supplement No. 11 to P. S. C., 2 N. Y., No. 561, on page eight thereof in items Nos. 580-B, 585-A, and 586-A, effective March 3, 1917.

E. Morris, Agent, supplements Nos. 7 and 8 to tariff P. S. C., 2 N. Y., No. 29, on pages seventeen thereof in items 1030-C, 1035-A, 1040-B, 1045-C, and 1047-A, effective March 3, 1917.

Said postponement to be effected by the issuance of supplements in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, showing date of issue only. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having suspended the items referred to by its order of date February 27, 1917, in Investigation and Suspension Docket No. 1038.

Completed by proper supplements to tariffs referred to, filed by carriers named.

No. 6440; March 2, 1917; The Delaware and Hudson Company:

Ordered: That under its application of date March 1, 1917, The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3301, said supplement to establish rate of two dollars and twenty cents per ton of twenty-two hundred and forty pounds on Pig Iron, in carloads, minimum weight as per Official Classification, from Port Henry, N. Y., over its line via Schenectady, N. Y., and the New York Central railroad to Buffalo, N. Y.

Completed by supplement No. 8 to P. S. C. No. 3301, effective March 6, 1917.

No. 6441; March 2, 1917; Lehigh Valley Railroad Company:

Ordered: That under its application of date March 1, 1917, the Lehigh Valley Railroad Company be and is hereby authorized to publish and file, in

the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local commodity tariff applying on Fluxing Stone, in carloads, minimum weight sixty thousand pounds, from Blakeslee, N. Y., to Harriet, N. Y., at rate of one dollar and thirty-five cents per ton of twenty-two hundred and forty pounds.

Completed by P. S. C. No. D-3357, effective March 4, 1917.

No. 6442; March 2, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date February 28, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a commodity tariff applying on Hay, in carloads, minimum weight as per Official Classification, from Denley, N. Y., over its line via Carter, N. Y., and the Raquette Lake railway to Eagle Bay, N. Y., at rate of sixteen and eight-tenths cents per hundred pounds.

Completed by P. S. C. N. Y. C. No. 3149, effective March 8, 1917.

No. 6443; March 2, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 1, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local and proportional commodity tariff, said tariff to establish rate of fifty-three cents per ton of twenty-two hundred and forty pounds on Fluxing Stone, in carloads, minimum weight thirty tons of twenty-two hundred and forty pounds each, to Charlotte, N. Y., from East Buffalo, N. Y. (when coming from Erie R. R. Minnesota Docks), rate exclusive of dockage, handling, or switching charges of any line; and from Niagara Falls, N. Y., rate exclusive of switching charges of any connecting line.

Completed by P. S. C. N. Y. C. No. 3148, effective March 5, 1917.

No. 6444; March 2, 1917; New York, Ontario and Western Railway Company:

Ordered: That under its application of date February 28, 1917, the New York, Ontario and Western Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a joint commodity tariff applying on Lumber, in carloads, minimum weight thirty-four thousand pounds, from New Berlin, N. Y., and South New Berlin, N. Y., over its line via Norwich, N. Y., and the Delaware, Lackawanna and Western railroad to Sauquoit, N. Y., at rate of one dollar and thirty-six cents per ton of two thousand pounds.

Completed by P. S. C. No. 3390, effective March 8, 1917.

No. 6445; March 2, 1917; R. N. Collyer, Agent:

Ordered: That following action of the Interstate Commerce Commission by order dated February 16, 1917, in its I. & S. Docket No. 956, and under his application of date March 1, 1917, R. N. Collyer, agent for carriers duly authorized to publish and file Official Classification, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue March 1, 1917, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 43, said supplement to further postpone, as to New York state traffic, until September 1, 1917, the effective date of item 4 as shown on page six of supplement No. 14 to said tariff.

Completed by supplement No. 16 to P. S. C. O. C. No. 43, issued March 1, 1917.

No. 6446; March 5, 1917; Buffalo and Susquehanna Railroad Corporation:

Ordered: 1. That under its application of date March 3, 1917, the Buffalo and Susquehanna Railroad Corporation be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, except as otherwise provided herein, and under date of issue only, supplements to the various freight and passenger tariff publications of the Wellsville and Buffalo Railroad Corporation of its own or adopted issues, as shown in exhibit attached to said application, which is hereby made a part of this order, said supplements to contain (a) notice of adoption of said tariff publications by the Buffalo and Susquehanna Railroad Corporation; (b) cancellation of the Wellsville and Buffalo Railroad Corporation's adoption supplements; (c) cancellation of rates named therein applying from, to, or at points on the Buffalo, Attica and Arcade railroad; Pittsburg, Shawmut and Northern railroad; and Wellsville and Buffalo Railroad Corporation; (d) a list of all carriers participating in any of said schedules, showing proper concurrence form and number of concurrence issued by such carriers to the Buffalo and Susquehanna Railroad Corporation.

2. Said supplements may be issued in form known as blanket supplements, showing proper supplement number to the tariff to which it is a supplement, and in order to permit such changes the requirements of Rules 9(e) and 33(d) of Circular No. 55, as to volume of supplemental matter or number of supplements permitted, will be waived.

This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that the issuance and publication of these schedules may be uniform as to intrastate and interstate application, it being understood that a similar order has been granted by the Interstate Commerce Commission.

Completed by supplements to various tariffs, filed March 22, 1917.

No. 6447; March 7, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 6, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local commodity tariff applying on Cord Wood, in carloads, minimum weight forty thousand pounds, from Pleasantville, N. Y., to Melrose Junction, N. Y., at rate of one dollar per ton of two thousand pounds; and to 130th Street, Sixtieth Street, and Thirty-third Street, New York city, at rate of one dollar and twenty-six cents per ton of two thousand pounds.

Completed by P. S. C. N. Y. O. No. 3152, effective March 10, 1917.

No. 6448; March 9, 1917; New York, Ontario and Western Railway Company:

Ordered: That under its application of date March 6, 1917, the New York, Ontario and Western Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local commodity tariff applying on Acid Wood, carloads, minimum weight forty-four thousand pounds, from Liberty, N. Y., to Livingston Manor, N. Y., at rate of thirty cents per ton of two thousand pounds.

Completed by P. S. C. No. 3395, effective March 20, 1917.

No. 6449; March 9, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application of date March 8, 1917, The Pennsylvania Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a supplement to its Exceptions to Official Classification, G. O. P. S. C., 2 N. Y., No. 861, said supplement to change item 287-B, as shown in supplement No. 20

thereto, and which has been in effect on and since December 1, 1916, so as to restore the rating on Condensed or Evaporated Milk, in bulk, in barrels, which was in effect prior to December 1, 1916, as shown in said tariff and supplement thereto in effect at that time. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform rates and charges may obtain as to intrastate and interstate traffic.

Completed by supplement No. 27 to G. O. P. S. C. No. 861, effective March 17, 1917.

No. 6450; March 9, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application of date March 8, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local commodity tariff applying on Ice, in carloads, minimum weight forty thousand pounds, from Crystal Lake, N. Y., to Buffalo, N. Y., at rate of forty-two cents per ton of two thousand pounds.

Completed by P. S. C. No. 1321, effective March 13, 1917.

No. 6451; March 10, 1917; The Niagara Gorge Railroad Company:

Ordered: 1. That under its application of date March 8, 1917, The Niagara Gorge Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, except as otherwise provided herein, effective not earlier than March 13, 1917, and expiring April 16, 1917, a tariff of one-way car charges, such tariff to provide the charges, passenger fares, and regulations to apply in connection with the furnishing of a passenger car to run in special train service daily from Lewiston, N. Y., to Niagara Falls, N. Y., as set forth in exhibit attached to said application which is hereby made a part of this order.

2. That on account of the life of this tariff being of short-term duration, such tariff may be prepared in accordance with the rule governing short-term excursion fare tariffs.

Completed by P. S. C. No. 164, effective March 13, 1917.

No. 6452; March 12, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 12, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days from the date of this order, a supplement to its tariff of rules governing deliveries of freight at New York and Brooklyn, etc., P. S. C., 2 N. Y., N. Y. C. No. 2483, such supplement to revise the first paragraph of Rule 28 as shown in supplement No. 22 to said tariff, covering storage, etc., of coarse freight unloaded at request of owner or consignee, to read as set forth in said application which is hereby made a part of this order.

Completed by supplement No. 26 to P. S. C. N. Y. C. No. 2483, effective March 16, 1917.

No. 6453; March 12, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application of date March 12, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days from the date of this order, a supplement to its tariff of rules governing deliveries of freight at New York and Brooklyn, etc., P. S. C., 2 N. Y., W. S. No. 667, such supplement to revise first paragraph of Rule 29 as

the railroad at an angle of approximately 21 degrees and 25 minutes. This would necessitate the construction of considerable stretches of new highway on each side of the bridge to connect with the existing road. The railroad company, on the other hand, proposed a bridge location which would result in an intersecting angle of about 30 degrees. As estimated by this Commission, the cost of a steel structure carrying a solid floor 24 feet wide between curbs constructed on the alignment desired by the Highway Commission would be about \$22,000, while the cost of a reinforced concrete arch structure on the same alignment would be about \$16,000; the cost of a steel bridge carrying a solid floor of the same width placed on a 30-degree angle as proposed by the railroad company would be about \$13,000, while the cost of a reinforced concrete arch on the same alignment would be about \$13,000. Under all of the foregoing estimates it was contemplated that there should be an effective roadway width between wheel-guards of 24 feet, the cost of paving on either the bridge or the arch, however, not being included. The railroad corporation objected to the construction of a crossing-structure at the acute angle proposed by the State Commission of Highways, and to the incidental highway re-location and construction on each side of the railroad cut to connect with the new bridge, all on the score of increased expense; but the change in alignment proposed by the Department, with the consequent elimination of the existing curvatures of the highway approaches at either end of the bridge — the features thus to be eliminated, as it is alleged, being largely responsible for the frequent injuries to persons and damages to property which have occurred at this crossing — has been approved and earnestly favored by the Chamber of Commerce of Niagara Falls and other civic bodies represented at the various hearings in this case, and has commended itself to this Commission. To meet the objection of the railroad corporation that the latter properly should not be burdened with the increased cost which would be involved in change of the present bridge alignment, it has been proposed and finally agreed that the State Commission of Highways shall assume the entire cost and expense of the necessary highway re-location and construction, including the cost of all land and land damages which shall be incidental thereto; and if the cost of the new bridge shall exceed the sum of \$16,000, that the Highway Department shall also pay and discharge the cost and expense of the asphalt block pavement which is to be laid on said bridge structure. Such agreement appearing to be fair and equitable to this Commission, it accordingly has been determined that the new bridge shall be constructed upon the alignment proposed by the State Commission of Highways and approved by the local authorities of the Town of Lewiston and the various civic bodies represented at the hearings herein, and accordingly it is

Ordered: 1. That the existing structure on state route No. 18, in the Town of Lewiston, Niagara county, over the single track of the New York Central railroad shall be removed, and that in place thereof there shall be constructed a new overgrade crossing as hereinafter particularly described.

2. Beginning at a point in the center line of the existing improved highway on the north side of the track at a point designated as station 12+.09 on a map dated August 22, 1906, on file with this Commission, the alignment of the state road shall be changed so that its revised center line from the above named point shall continue in a straight line to a point designated as station 19+64.5 on the center line of the existing improved highway on the south side of the track, intersecting the railroad alignment at the location of the present structure on an angle of approximately 21 degrees and 25 minutes. The overgrade crossing shall be so placed that its axis shall coincide with the revised highway line above described. The structure shall consist of a reinforced concrete arch supporting a roadway 24 feet wide between wheel-guards with substantial concrete railings on each side; the roadway for the entire width between curbs to be paved with asphalt block or other material as may be desired by the State Commission of Highways and approved by this Commission. The roadway over the arch shall be substantially level, the elevation of the roadway crown to be approximately 565.0, highway commission datum. Unless hereafter otherwise determined and permitted by this

Commission, temporary means of crossing during the construction period must be maintained, either by removal of the existing bridge to a new location so as to permit a continuance of highway travel, or by other means deemed by this Commission sufficient and satisfactory to care for such travel.

3. In accordance with the understanding arrived at during the hearing on March 13, 1917, between the State Commission of Highways and the railroad corporation, said State Commission of Highways shall assume the entire cost of the re-location of the state highway on each side of the railroad and its improvement and reconstruction, including the costs of any lands, rights, or easements necessary or required for the purpose of carrying out the provisions of this order, and of any land or other damages whatsoever which may arise by virtue thereof; provided nevertheless that the expense of acquiring any necessary easement in connection with the construction of the temporary bridge crossing referred to in clause 2 hereof shall not be assumed by the State Commission of Highways but shall be charged against the elimination project. It shall further assume, pay, and discharge so much of the paving on the crossing structure as shall under conditions hereafter described limit the amount to be paid by the railroad corporation as its share of the project to the sum of \$8000. The New York Central Railroad Company and the State Commission of Highways shall be chargeable in equal amounts with the cost of the structure spanning the railroad track, including the cost of providing for a temporary crossing and its final removal. If the cost of said structure, etc., shall be less than the sum of \$16,000, thus making the share of the railroad less than \$8000, the railroad corporation shall pay toward the cost of the paving on said structure in such amount as shall make its total share of the cost of the project not to exceed \$8000, but in no event shall it be charged with more than one-half the cost of such paving.

The changes in the alignment of the highway and the location of the arch shall be substantially as shown upon a plan dated August 22, 1917, on file with this Commission, said plan being marked Exhibit A.

[Case No. 5731]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 28th day of March, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the BUFFALO PRODUCE EXCHANGE, representing the Frontier Sand and Gravel Corporation and Squaw Island Sand and Gravel Corporation, complainants, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, respondent, as to proposed rate and carload minimum weight regulation applying in connection therewith on sand and gravel, in carloads, from North Tonawanda, N. Y., to Niagara Falls, N. Y.

Complaint filed October 5, 1916; first suspension order October 11, 1916; second suspension order January 23, 1917; third suspension order February 26, 1917; hearing held at Albany January 3, 1917. Appearances: R. A. Kellogg and F. W. Seaman for complainants; W. S. Kallman for respondent. In this case the Buffalo Produce Exchange, representing the Frontier Sand and Gravel Corporation and the Squaw Island Sand and Gravel Corporation, complained to the Commission against a tariff filed by The New York Central

shown in supplement No. 23 to said tariff, covering storage, etc., of coarse freight unloaded at request of owner or consignee, to read as set forth in said application which is hereby made a part of this order.

Completed by supplement No. 27 to P. S. C. W. S. No. 667, effective March 16, 1917.

No. 6454; March 12, 1917; The Delaware and Hudson Company:

Ordered: That under its application of date March 12, 1917, The Delaware and Hudson Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a local and proportional freight tariff on Anthracite Coal, all sizes, and Bituminous Coal, in carloads, such tariff to supersede tariff P. S. C., 2 N. Y., No. 3269, and establish the rates, charges, rules, and regulations as shown in exhibit attached to said application and which is hereby made a part of this order.

Completed by P. S. C. No. 3341, effective March 13, 1917.

No. 6455; March 14, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date March 13, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than thirty days' notice, a tariff of car demurrage rules applicable to Anthracite Coal or Briquettes consigned to and held at Oswego, Syracuse, Utica, or Buffalo (including East Buffalo), N. Y., and there transhipped by water or consigned to and held at said points and there reconsigned to other destinations, such tariff to cancel tariff P. S. C., 2 N. Y., No. 2799, on file to take effect April 10, 1917, and to reissue the matter contained except to make the changes in Rules Nos. 2-A and 4 as set forth in said application which is hereby made a part of this order.

Completed by P. S. C. No. 2800, effective April 20, 1917.

No. 6456; Various Railroad Corporations:

Ordered: That under applications therefor, the carriers herein specified be and they are hereby authorized to postpone until July 13, 1917, the effective dates of tariffs or supplements to tariffs of rules governing diversion or reconsignment of Coal and Coke, etc., stopping in transit and the charges to be assessed for the additional service rendered, filed to take effect March 15, 1917, or on later dates as specified, designated as follows:

Boston and Albany Railroad (The New York Central Railroad Company, lessee): tariff P. S. C., 2 N. Y., No. 607, effective March 30, 1917.

Buffalo, Rochester and Pittsburgh Railway Company: supplement No. 1 to P. S. C., 2 N. Y., No. 1144, effective March 19, 1917; tariff P. S. C., 2 N. Y., No. 1312, effective March 19, 1917.

The Delaware and Hudson Company: tariff P. S. C., 2 N. Y., No. 3333.

Lehigh Valley Railroad Company: tariff P. S. C., 2 N. Y., No. A-134.

Lehigh and New England Railroad Company: tariff P. S. C., 2 N. Y., No. 112.

The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East): tariff P. S. C., 2 N. Y., N. Y. C. No. C-29.

The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West): tariff P. S. C., 2 N. Y., L. S. No. C-12.

New York, Ontario and Western Railway Company: tariff P. S. C., 2 N. Y., No. 3386.

The Pennsylvania Railroad Company: tariff A. A., P. S. C., 2 N. Y., No. 99.

Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and

regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to tariffs referred to, filed by carriers named. Interstate Commerce Commission, Investigation and Suspension Docket No. 1050, order March 13, 1917.

No. 6456-A; The Pittsburg, Shawmut and Northern Railroad Company (Frank Sullivan Smith, Receiver):

Ordered: That under its application therefor, The Pittsburg, Shawmut and Northern Railroad Company (Frank Sullivan Smith, Receiver) be and is hereby authorized to postpone until July 13, 1917, the effective dates of tariffs or supplements to tariffs of rules and charges governing diversion and reconsignment of carload freight, filed to take effect March 15, 1917, designated as follows: tariff P. S. C., 2 N. Y. No. 635; supplement No. 1. to tariff P. S. C., 2 N. Y., No. 476. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplement No. 2 to P. S. C. No. 476, and supplement No. 1 to P. S. C. No. 635.

No. 6457; March 15, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date March 15, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue not later than March 19, 1917, a supplement to its tariff of rules and regulations covering special services, etc., P. S. C., 2 N. Y., No. 2725, for the purpose of postponing until July 13, 1917, item No. 2-A as shown in supplement No. 3 to said tariff, filed to take effect March 19, 1917; also under date of issue not later than April 1, 1917, a supplement to its tariff P. S. C., 2 N. Y., No. 2766, which tariff was filed to take effect April 1, 1917, and cancels tariff P. S. C., 2 N. Y., No. 2725, for the purpose of postponing until July 13, 1917, items Nos. 2 and 11 as shown in said tariff. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that the application of the rules contained in said tariff may be uniform as to intrastate and interstate traffic, the Interstate Commerce Commission having suspended said supplement by order of date March 13, 1917, issued in its Investigation and Suspension Docket No. 1050.

Completed by supplement No. 5 to P. S. C. No. 2725, and supplement No. 2 to P. S. C. No. 2766; filed March 16, 1917.

No. 6458; March 16, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 15, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date of March 17, 1917, a joint commodity tariff to provide rate of 24.2 cents per can on Fluid Milk, in forty-quart cans in lots of one hundred cans or more, from Stittville, N. Y., over the New York Central and West Shore railroads to Frankfort, N. Y., said rate not to include icing but will include the free return of empty cans.

Completed by P. S. C., N. Y. C. No. 3163, effective March 17, 1917.

No. 6459; Various Railroad Corporations:

Ordered: That under applications therefor, the carriers herein specified be and they are hereby authorized to postpone until July 13, 1917, the effective dates of tariffs or supplements to tariffs filed to take effect March 15, 1917, except as otherwise specified, designated as follows:

Boston and Albany Railroad (The New York Central Railroad Company, Lessee): supplement No. 1 to P. S. C., 2 N. Y., No. 448, Rules Governing the Holding and Diverting of Flour, Grain and Grain Products, Hay, Straw, Lumber, and all other property in carloads (except perishable freight, live stock, coal, and coke) at Rensselaer, N. Y., effective April 1, 1917.

Buffalo, Rochester and Pittsburgh Railway Company: tariff P. S. C., 2 N. Y., No. 1314, Rules Governing Diversion and Reconsignment of Freight in Transit, also stoppage in transit (except coal, coke, and iron ore).

Greenwich and Johnsonville Railway Company: tariff P. S. C., 2 N. Y., No. 419, Rules Governing Diversion or Reconsignment of Carload Freight in Transit (except coal or coke, live stock, ex-lake grain, moving under at-and-east of Lake Erie port rates, or on ex-lake iron ore).

The Lehigh and Hudson River Railway Company: tariff P. S. C., 2 N. Y., No. 140, Diversion and Reconsignment of Carload Freight (except coal and coke), effective April 1, 1917.

New York, Ontario and Western Railway Company: supplement No. 1 to P. S. C., 2 N. Y., No. 3300, Rules Governing the Holding of Carload Shipments in Cars (except coal and coke) at Oneida and Oswego, N. Y., effective April 1, 1917; supplement No. 1 to P. S. C., 2 N. Y., No. 3298, Rules Governing the Reconsignment and Diverting of Carload Freight (except coal and coke), effective April 1, 1917; tariff P. S. C., 2 N. Y., No. 3388, Rules Governing the Reconsignment and Diverting of Carload Shipments of Fresh or Green Fruits, etc., effective April 1, 1917; tariff P. S. C., 2 N. Y., No. 3389, Rules Governing the Reconsignment and Diverting of Carload Freight (except coal and coke, fresh or green fruits, etc.), effective April 1, 1917.

Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to tariffs referred to, filed by carriers named. Interstate Commerce Commission Investigation and Suspension Docket No. 1050, order of March 13, 1917.

No. 6460; March 16, 1917; Erie Railroad Company:

Ordered: That under its application of date March 15, 1917, the Erie Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than five days' notice and under an effective date of April 1, 1917, a supplement to its eastbound interdivision and joint passenger tariff P. S. C., 2 N. Y., No. 872, such supplement to change page 4, rule 15, Redemption of Tickets, to read as shown in exhibit attached to said application which is hereby made a part of this order.

Completed by supplement No. 1 to P. S. C. No. 872, effective April 1, 1917.

No. 6461; March 16, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 15, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the

Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a joint commodity tariff to provide therein a rate of \$1.70 per two thousand pounds on Building, Common, and Hollow Brick, carloads, minimum weight fifty thousand pounds, from Dutchess Junction, N. Y., over the New York Central railroad, via Port Morris, N. Y., and the New York, New Haven and Hartford railroad to Mamaroneck, N. Y.

Completed by P. S. C. N. Y. C. No. 3165, effective March 21, 1917.

No. 6462; March 16, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application of date March 13, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under date of issue prior to April 1, 1917, a supplement to its tariff of rules and regulations relative to holding eastbound carload shipments in cars, P. S. C., 2 N. Y., No. 2717, for the purpose of postponing until July 13, 1917, the effective date of supplement No. 1 to said tariff, filed to take effect April 1, 1917, which supplement in effect would operate to cancel said tariff. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that the application of the rules contained in said tariff may be uniform as to intrastate and interstate traffic, the Interstate Commerce Commission having suspended said supplement by order of date March 13, 1917, issued in its Investigation and Suspension Docket No. 1050.

Completed by supplement No. 2 to P. S. C. No. 2717, filed March 19, 1917.

No. 6463; March 16, 1917; The Delaware and Hudson Company:

Ordered: That under application of date March 16, 1917, The Delaware and Hudson Company and the Cooperstown and Charlotte Valley Railroad Company be and are hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, tariffs of rules governing diversion, reconsignment, and holding of general merchandise, coal and coke, and charges applying for such service, such tariffs to cancel The Delaware and Hudson Company issue P. S. C., 2 N. Y., No. 3332, and Cooperstown and Charlotte Valley Railroad Company issues P. S. C., 2 N. Y., Nos. 153 and 154, and establish the rules and charges in effect and applicable for such service prior to March 15, 1917, as stated in tariffs The Delaware and Hudson Company issues P. S. C., 2 N. Y., Nos. 2571, 3260, and 3286; and Cooperstown and Charlotte Valley Railroad Company issues P. S. C., 2 N. Y., Nos. 87 and 149. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that the application of the rules and charges contained in said tariffs may be uniform as to intrastate and interstate traffic.

Completed by Delaware and Hudson P. S. C. Nos. 3344, 3345, and 3346, and Cooperstown and Charlotte Valley P. S. C. Nos. 156 and 157; effective March 20, 1917.

No. 6464; March 19, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 16, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a tariff schedule providing a rate of two dollars and ten cents per cord on Pulp Wood, carloads, minimum twelve cords, from Forestport, N. Y., to Emeryville, N. Y.

Completed by supplement No. 8 to P. S. C. N. Y. C. No. 2611, effective March 24, 1917.

No. 6465; March 19, 1917; Ernest Gonzenbach, Receiver, Syracuse and South Bay Electric Railroad:

Ordered: That under his application of date March 15, 1917, Ernest Gonzenbach, Receiver, Syracuse and South Bay Electric Railroad, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days from the date of this order, a supplement to freight tariff P. S. C., 2 N. Y., No. 3, and provide therein the commodity rates to apply on shipments of bottled milk or cream, and regulations governing such shipments, as set forth in exhibit attached to said application which is hereby made a part of this order.

Completed by supplement No. 2 to P. S. C. No. 3, effective April 12, 1917.

No. 6466; March 19, 1917; Ernest Gonzenbach, Receiver, Syracuse and South Bay Electric Railroad:

Ordered: That under his application of date March 15, 1917, Ernest Gonzenbach, Receiver, Syracuse and South Bay Electric Railroad, be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and within thirty days from the date of this order, a supplement to freight tariff P. S. C., 2 N. Y., No. 2, and provide therein the commodity rates to apply on shipments of bottled milk or cream, and regulations governing such shipments, as set forth in exhibit attached to said application which is hereby made a part of this order.

Completed by supplement No. 2 to P. S. C. No. 2, effective April 12, 1917.

No. 6467; March 19, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 19, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date of March 20, 1917, a local freight tariff on Live Stock, in carloads, by special freight train service on Tuesdays only, from Carthage, N. Y., to Boonville, N. Y., when destined to points beyond, at rate of \$31.50 for each special train movement not exceeding six cars, subject to the same conditions, stop-off privileges, and extra charges as are now in effect and shown in tariff P. S. C., 2 N. Y., N. Y. C. No. 2829, covering movement of similar traffic on Saturdays only.

Completed by P. S. C. N. Y. C. No. 3166, effective March 20, 1917.

No. 6468; March 19, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 19, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, under an effective date of March 20, 1917, a local freight tariff on Live Stock, in carloads, by special freight train service on Tuesdays only, from Antwerp, N. Y., to Watertown, N. Y., when destined to points beyond, at rate of \$42 for each special train movement not exceeding six cars, subject to the same conditions, stop-off privileges, and extra charges as are now in effect and shown in tariff P. S. C., 2 N. Y., N. Y. C. No. 2830, covering movement of similar traffic on Saturdays only.

Completed by P. S. C. N. Y. C. No. 3167, effective March 20, 1917.

No. 6469; March 21, 1917; Central New England Railway Company:

Ordered: That under its application of date March 20, 1917, the Central New England Railway Company be and is hereby authorized to postpone until July 13, 1917, the effective date of supplement No. 1 to its freight tariff P. S. C., 2 N. Y., No. 664, filed to take effect April 1, 1917, and which

operates to cancel rules and regulations governing the holding and diverting of Grain, Flour, Feed, Hay, Lumber, and all other property in carloads except perishable freight, live stock, coal, or coke, at Beacon, N. Y., and Maybrook, N. Y. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of a supplement to said tariff showing date of issue only; such supplement will not be counted against the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 2 to P. S. C. No. 664, filed March 29, 1917.

No. 6470; March 21, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West):

Ordered: That under its application of date March 20, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) be and is hereby authorized to postpone until July 13, 1917, the effective date of tariffs or supplements to tariffs filed to take effect April 1, 1917, designated as follows: tariff P. S. C., 2 N. Y., L. S. No. 189, Rules, Regulations, and Charges Governing Diversion or Reconsignment of Carload Freight at stations on The New York Central Railroad Company's line Buffalo, N. Y., Clearfield, Penna., and west; tariff P. S. C., 2 N. Y., L. S. No. 190, Rules Governing Reconsignment or Diversion of Live Stock at Buffalo or East Buffalo; supplements Nos. 14 to tariffs P. S. C., 2 N. Y., Nos. 475 (L. S. & M. S. series), and 209 (D., A. V. & P. series), Rules and Charges Governing the Diversion or Reconsignment of Carload Freight at stations on The New York Central Railroad Company's line Buffalo, N. Y., Clearfield, Penna., and west. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to tariffs referred to, filed March 30, 1917.

No. 6471; March 21, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application of date March 20, 1917, The Pennsylvania Railroad Company be and is hereby authorized to postpone until July 13, 1917, the effective dates of tariffs or supplements to tariffs filed to take effect April 1, 1917, designated as follows: supplement No. 10 to tariff G. O. P. S. C., 2 N. Y., No. 707, diversion and reconsignment of carload traffic (except coal and coke, the product of coal); tariff G. O. P. S. C., 2 N. Y., No. 909 diversion and reconsignment of carload freight (except coal and coke, the product of coal, fresh fruits, and fresh or green vegetables, and live stock); tariff G. O. P. S. C., 2 N. Y., No. 915, diversion and reconsignment of fruits and vegetables, etc. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited

strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplement No. 11 to G. O. P. S. C. No. 707, supplement No. 1 to G. O. P. S. C. No. 909, and supplement No. 1 to G. O. P. S. C. No. 915; filed March 24, 1917.

No. 6472; March 22, 1917; Lehigh Valley Railroad Company:

Ordered: That under its application therefor dated March 21, 1917, the Lehigh Valley Railroad Company be and is hereby authorized to postpone until July 13, 1917, the effective date of supplement No. 1 to its P. S. C., 2 N. Y., No. D-3315, tariff of rules, regulations, and charges governing special services, etc. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of a supplement to said tariff showing date of issue only; such supplement will not be counted against the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 2 to P. S. C. No. D-3315, filed March 28, 1917. No. 6473; March 22, 1917; International Railway Company:

Ordered: That under its application of date March 21, 1917, the International Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than one day's notice and within thirty days from the date of this order, a supplement to its local passenger tariff P. S. C., 2 N. Y., No. 150, establishing a regulation providing special rate for twenty tickets, each good for one ride between or in Tonawanda, N. Y., and North Tonawanda, N. Y., for one dollar, said tickets not to be good or accepted as part payment of a through fare for a passenger traveling beyond point limited by said tickets.

Completed by supplement No. 2 to P. S. C. No. 150, effective April 1, 1917. No. 6474; March 23, 1917; Unadilla Valley Railway Company:

Ordered: That under its application of date March 22, 1917, the Unadilla Valley Railway Company be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and under an effective date not later than April 1, 1917, a local freight tariff of class and commodity rates, said tariff to cancel tariff P. S. C., 2 N. Y., No. 31, filed to take effect April 1, 1917, and reissue the matter contained without change other than to correct typographical error in the rate basis between Bridgewater, N. Y., and New Berlin, N. Y., changing same to read 20 instead of 12.

Completed by P. S. C. No. 32, effective April 1, 1917.

No. 6475; March 23, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application of date March 22, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, on not less than three days' notice and under an effective date of April 1, 1917, a commodity freight tariff establishing a rate of 26.7 cents per can of forty quarts on fluid milk, carloads, minimum 250 cans, from Middletown, N. Y., and Schenectady, N. Y., to Gouverneur, N. Y., said rate not to include icing but will include free return of empty cans.

Completed by P. S. C. N. Y. C. No. 3178, effective April 1, 1917.

No. 6476; March 26, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor of date March 26, 1917, The New York Central Railroad Company, for its line Buffalo, N. Y., Clearfield,

Penna., and east, and as lessee of the West Shore railroad, be and is hereby authorized to postpone until July 13, 1917, the effective dates of tariffs or supplements to tariffs filed to take effect April 1, 1917, and designated as follows: supplements Nos. 1 to tariffs P. S. C. 2 N. Y., N. Y. C. No. 2760, and W. S. No. 750, rules governing stop-off and diversion privileges at Lyons, N. Y., on Grain, etc.; supplements Nos. 5 to tariffs P. S. C., 2 N. Y., N. Y. C. No. 2129, and W. S. No. 558, rules governing diversion or reconsignment of Fruit and Vegetables; tariffs P. S. C., 2 N. Y., N. Y. C. No. 3136, and W. S. No. 940, rules governing diversion and reconsignment of carload freight except as otherwise provided in tariffs; supplements Nos. 1 to tariffs P. S. C., 2 N. Y., N. Y. C. No. 2761, and W. S. No. 751, rules governing stop-off and diversion privileges at Frankfort, N. Y. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to tariffs referred to, filed March 29, 1917. No. 6477; March 26, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor of date March 24, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to further postpone until September 30, 1917, the application of rates from The Delaware, Lackawanna and Western Railroad Company groups 94 and 95 as shown on pages 10 and 11 of supplement No. 11 to its P. S. C., 2 N. Y., No. 2222, which group rates are now under postponement until March 31, 1917. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of a supplement to said tariff showing date of issue only. Such supplement shall not be counted against the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 16 to P. S. C. No. 2222, filed March 27, 1917. No. 6478; March 26, 1917; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application therefor dated March 24, 1917, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) be and is hereby authorized to postpone until July 13, 1917, the effective dates of tariffs or supplements to tariffs filed to take effect April 1, 1917, designated as follows: supplement No. 1 to P. S. C., 2 N. Y., No. 3634, rules governing diversion or reconsignment of freight held in transit at specified points; P. S. C., 2 N. Y., No. 3735, rules governing holding and diversion of carload freight in transit and reconsignment after arrival at original destination, of articles enumerated in Official Classification No. 44 under caption Fruits, fresh; and Vegetables, fresh or green; P. S. C., 2 N. Y., No. 3736, rules governing holding and diversion of carload freight in transit, and reconsignment after arrival at original destination, except coal and coke, fruits, fresh; and vegetables, fresh or green; and other articles as specified in tariff. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This

authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplement No. 2 to P. S. C. No. 3634, supplement No. 1 to P. S. C. No. 3735, and supplement No. 1 to P. S. C. No. 3736; filed March 28, 1917.

No. 6479; March 26, 1917; The New York, Chicago and St. Louis Railroad Company:

Ordered: That under its application therefor dated March 23, 1917, The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to postpone until July 13, 1917, the effective dates of tariffs or supplements to tariffs filed to take effect April 1, 1917, designated as follows: supplement No. 2 to P. S. C., 2 N. Y., No. 535, rules and regulations governing the diversion and reconsignment of carload freight at Buffalo, Buffalo Junction, and East Buffalo, N. Y.; and supplement No. 2 to P. S. C., 2 N. Y., No. 573, covering rules and regulations on traffic handled at stations or moved between points on the line of The New York, Chicago and St. Louis Railroad Company. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only. Such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplements Nos. 3 to P. S. C. Nos. 535 and 573, filed March 31, 1917.

No. 6480; March 26, 1917; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and West thereof):

Ordered: That under its application therefor of date March 26, 1917, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof) be and is hereby authorized to postpone until July 13, 1917, the effective dates of tariffs or supplements to tariffs filed to take effect April 1, 1917, except as otherwise specified, designated as follows: tariff P. S. C., 2 N. Y., No. A-630, effective March 26, 1917, charges for and rules governing the reconsignment and diversion of coal and coke; tariff P. S. C., 2 N. Y., No. A-628, charges for and rules governing the diversion and reconsignment of carload freight except as otherwise provided in tariff; tariff P. S. C., 2 N. Y., No. A-631, charges for and rules governing the reconsignment of fruits and vegetables, fresh or green; supplement No. 1 to tariff P. S. C., 2 N. Y., No. A-615, charges for and rules governing the reconsignment of carload freight except as otherwise provided in tariff. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplement No. 2 to P. S. C. No. A-615, and supplements Nos. 1 to P. S. C. Nos. A-628, A-630, and A-631; filed March 29, 1917.

No. 6481; March 26, 1917; Rutland Railroad Company:

Ordered: That under its application therefor dated March 26, 1917, the Rutland Railroad Company be and is hereby authorized to postpone until July 13, 1917, the effective dates of tariffs filed to take effect April 1, 1917, designated as follows: P. S. C., 2 N. Y., No. 804, rules governing diversion

and reconsignment of carload freight except coal and coke; P. S. C., 2 N. Y., No. 807, rules governing diversions in transit, reconsignments, and stop-offs of commercial coal and coke in carloads, and the charges to be assessed for additional service rendered. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplements Nos. 1 to P. S. C. Nos. 804 and 807, filed March 27, 1917.

No. 6482; March 27, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated March 26, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to further postpone until September 30, 1917, the effective dates of supplement No. 10 to tariff P. S. C., 2 N. Y., N. Y. C. No. 54, and supplement No. 2 to tariff P. S. C., 2 N. Y., No. 14135, now under postponement until March 31, 1917. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplement No. 4 to P. S. C. No. 14135, and supplement No. 12 to P. S. C. N. Y. C. No. 54; filed March 30, 1917.

No. 6483; March 27, 1917; Various Carriers:

Ordered: That under applications therefor the carriers and agent herein specified be and they are hereby authorized to further postpone until September 30, 1917, the effective dates of tariffs or supplements to tariffs now under postponement until March 31, 1917, designated as follows:

E. Morris, Agent: tariff P. S. C., 2 N. Y., No. 28, and supplement No. 1 thereto.

Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof): supplement No. 15 to tariff P. S. C., 2 N. Y., No. A-407; supplement No. 19 to tariff P. S. C., 2 N. Y., No. A-512.

The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west): supplement No. 55 to tariff (L. S. & M. S. series) P. S. C., 2 N. Y., No. 15; supplement No. 5 to tariff (L. S. & M. S. series) P. S. C., 2 N. Y., No. 495; supplement No. 5 to tariff (L. S. & M. S. series) P. S. C., 2 N. Y., No. 497; supplement No. 49 to tariff (D., A. V. & P. series) P. S. C., 2 N. Y., No. 128; supplement No. 1 to tariff P. S. C., 2 N. Y., L. S. No. 126; supplement No. 3 to tariff P. S. C., 2 N. Y., L. S. No. 145.

The New York, Chicago and St. Louis Railroad Company: tariff P. S. C., 2 N. Y., No. 570; supplement No. 1 to tariff P. S. C., 2 N. Y., No. 470; supplement No. 2 to tariff P. S. C., 2 N. Y., No. 471; supplements Nos. 5 and 6 to tariff P. S. C., 2 N. Y., No. 473; supplements Nos. 2 and 3 to tariff P. S. C., 2 N. Y., No. 503; supplement No. 3 to tariff P. S. C., 2 N. Y., No. 556. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular

No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to tariffs referred to, filed March 31, 1917. No. 6484; March 28, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated March 27, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to further postpone until September 30, 1917, the effective dates of supplements to tariffs now under postponement until March 31, 1917, designated as follows: supplement No. 2 to P. S. C., 2 N. Y., No. 1021; supplement No. 1 to P. S. C., 2 N. Y., No. 1022; supplement No. 1 to P. S. C., 2 N. Y., No. 1023; supplement No. 7 to P. S. C., 2 N. Y., No. 1064. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to tariffs referred to, filed March 31, 1917. No. 6485; March 28, 1917; Wabash Railway Company:

Ordered: That under its application therefor dated March 27, 1917, the Wabash Railway Company be and is hereby authorized to postpone until July 13, 1917, the effective date of its tariff P. S. C., 2 N. Y., No. 32, filed to take effect April 1, 1917, rules governing the diversion and reconsignment of property in cars at all points on the Wabash railway. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of a supplement to said tariff showing date of issue only; such supplement will not be counted against the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission had jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to P. S. C. No. 32, filed March 30, 1917. No. 6486; March 29, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor of date March 28, 1917, The Pennsylvania Railroad Company be and is hereby authorized to further postpone until September 30, 1917, the effective dates of tariffs or supplements to tariffs now under postponement until March 31, 1917, designated as follows:

Supplement			Tariff			Supplement			Tariff		
No.			G.	O. P. S. C.,	\$	No.			G.	O. P. S. C.,	\$
				N. Y., No.						N. Y., No.	
12	to			732		11	to			756	
12	to			733		2	to			876	
14	to			735		2	to			879	
13	to			743		2	to			881	
6	to			747		1	to			889	
9	to			753		1	to			890	
10	to			754		1	to			892	
5	to			755		—	to			894	

Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission

has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to tariffs referred to, filed March 29, 1917.
No. 6487; March 29, 1917; Lehigh Valley Railroad Company:

Ordered: That under its application dated March 26, 1917, the Lehigh Valley Railroad Company be and is hereby authorized to further postpone until September 30, 1917, the effective date of supplement No. 4 to its tariff P. S. C., 2 N. Y., No. D-2855, and supplement No. 1 to its tariff P. S. C., 2 N. Y., No. D-3187, now under postponement until March 31, 1917. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of supplements to the designated tariffs showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by supplement No. 7 to P. S. C. No. D-2855, and supplement No. 3 to P. S. C. No. D-3187; filed March 30, 1917.

No. 6488; March 29, 1917; Erie Railroad Company:

Ordered: That under its application therefor dated March 28, 1917, the Erie Railroad Company be and is hereby authorized to postpone until June 1, 1917, the effective date of supplement No. 2 to its local passenger tariff P. S. C., 2 N. Y., No. 868, filed to take effect April 1, 1917. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of a supplement to said tariff showing date of issue only. Such supplement will not be counted against the number of supplements permitted to said tariff under Rule 33 (d), Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 3 to P. S. C. No. 868, issued March 30, 1917.

No. 6489; March 29, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application of date March 27, 1917, The Pennsylvania Railroad Company be and is hereby authorized to amend, on not less than one day's notice and within thirty days from the date of this order, its tariff S. S. P. S. C., 2 N. Y., No. 891, Switching Charges at Buffalo, N. Y., and vicinity, and establish therein a charge of \$5 per car to apply on car-load shipments, except coal, coke (other than petroleum coke), or ore, from points of interchange at Buffalo, N. Y., with the New York Central, Delaware, Lackawanna and Western, and Erie railroads to Stabell Siding, Hamburg Turnpike, N. Y.; also charge of \$3.50 per car on slag from Roger-Brown Iron Company's plant, Buffalo, N. Y., to Stabell Siding, Hamburg Turnpike, N. Y. Said amendment shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of a supplement to said tariff. This authority applies only to traffic as to which this Commission has jurisdiction.

Completed by supplement No. 4 to S. S. P. S. C. No. 891, effective April 6, 1917.

No. 6490; March 30, 1917; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application therefor the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) be and is hereby authorized to further postpone until September 30, 1917, the effective dates of tariff supplements now under postponement until March 31, 1917, designated as follows: supplement No. 2 to P. S. C., 2 N. Y., No. 2974; supplement No. 6 to P. S. C.,

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway and the construction of an under-grade crossing.

The New York Central Railroad Company having submitted to this Commission for approval a unit price proposal by the King Bridge Company of 5.68 cents per pound for the manufacture and delivery of the steel for the superstructure required to carry out the Commission's determination in the matter above entitled, said bid being the lowest of all bids received and subject to immediate acceptance, as shown by telegram received March 31, 1917, from the engineer of construction of the railroad company; and immediate action by this Commission being necessary to take advantage of this quotation, it is

Ordered: That such unit price of 5.68 cents per pound be and the same is hereby approved.

[Case No. 5544]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the SHELTER ISLAND BOARD OF TRADE *against* THE LONG ISLAND RAILROAD COMPANY, asking for better passenger train service.

An order in this case, containing provisions for a reopening of the case under certain conditions after the 1st day of January, 1917, having been made on the 24th day of August, 1916; and a motion having subsequently been made to reopen the case and modify the said order of August 24, 1916; and a further hearing of the case having been held on January 27, 1917, at which hearing no new evidence in respect to the matters involved in the original complaint was presented by either party; and the Commission having subsequently given renewed consideration to the entire situation involved in this proceeding, and having caused its division of steam railroads to make a further investigation of the train service complained of; and having come to the conclusion that in order to give relief to a comparatively small number of prospective summer residents on the east end of Long Island who desire during the spring months to take a fast morning train from New York for the purpose of inspecting or opening summer residences and of returning comfortably to New York the same afternoon, it would be necessary either to cause great inconvenience to patrons of the Long Island railroad at other

points than Riverhead or to require an additional express train to be run in the early morning from New York to Riverhead; and having concluded that the business which such a train would do would not be sufficient to warrant the Commission at this time in ordering its installation, it is hereby

Ordered: That this complaint as reopened be and the same hereby is denied, and that the case be closed upon the records of the Commission.

[Case No. 5547]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of CHAUNCEY L. BUTLER and GEORGE W. GALLIEN, JR., copartners, under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Albany, it being proposed that the route shall also be operated to and from West Albany outside the city limits.

On July 21, 1916, George W. Gallien, jr., one of the petitioners in the above entitled proceeding, made application for a rehearing in this matter. Since that time counsel for the petitioner has failed to appear before the Commission and make the necessary motion for such rehearing, and notwithstanding the Commission has inquired of the petitioner if he intends to proceed further in the matter, no response has been made to such inquiry. Under the circumstances, therefore, the Commission is of the opinion that the application should be denied. It is therefore

Ordered: That the application for a rehearing herein be and the same hereby is denied and the case closed upon the records of this Commission.

[Case No. 5576]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Joint Petition of LONG ISLAND LIGHTING COMPANY, HUNTINGTON LIGHT AND POWER COMPANY, and HUNTINGTON GAS COMPANY under section 70 of the Public Service Commissions Law for consent to the transfer of franchises, works, and systems of the two last named companies to the first named company; which petition also includes that of the Long Island Lighting Company under section 69 of the Public Service Commissions Law for authority to issue \$120,000 common capital stock, and \$206,000 in first mortgage 5 per cent 25-year gold bonds at 92, and for authority to the Long Island Lighting Company to execute a supplement to its first mortgage bringing the real property to be acquired under the lien.

Supplemental
order.

By order herein dated the 14th day of March, 1917, the Huntington Light and Power Company and the Huntington Gas Company were authorized to transfer their franchises and sell all their properties and assets excepting the former's investment in 600 shares, aggregating a par value of \$60,000, of the common capital stock of the latter company, subject only to their respective current liabilities; and the Long Island Lighting Company was authorized to acquire such properties, and to issue and sell at par \$120,000 par value of its common capital stock, and to issue and sell for not less than 92 per cent of their face value \$206,000 face value of its 5 per cent 25-year first mortgage gold bonds, and to use the proceeds realized from the sale of such securities for the purchase of such properties. By its supplemental petition filed herein on the 28th day of March, 1917, the Long Island Lighting Company petitions for authority to acquire the property of the Huntington Light and Power Company, subject in addition to its current liabilities to the trust mortgage to the Hudson Trust Company as trustee, dated August 1, 1909, and to the \$136,000 of outstanding bonds under such mortgage, and to reserve sufficient of the proceeds of its securities authorized for the purchase of the property of the Huntington Light and Power Company for the payment of that company's mortgage bonds assumed. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order of the Commission herein dated March 14, 1917, is hereby modified and amended so as to authorize the Long Island Lighting Company to acquire the property of the Huntington Light and Power Company, subject in addition to its current liabilities to its trust mortgage to the Hudson Trust Company as trustee, dated August 1, 1909, and to the \$136,000 face value of first mortgage 6 per cent 25-year gold bonds outstanding under such mortgage, and to reserve proceeds of its securities heretofore authorized for the purchase of the Huntington Light and Power Company's assets for the payment of the Huntington Light and Power Company's mortgage bonds which it assumes.

2. That the Long Island Lighting Company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 5829]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of the PRESIDENT AND TRUSTEES OF THE VILLAGE OF WHITESBORO, Oneida county, *against* NEW YORK STATE RAILWAYS, asking that the track of said railway in Main street in said village be reconstructed.

Complaint filed December 19, 1916; answer filed February 2, 1917; hearing held at the courthouse in the city of Utica, N. Y., March 26, 1917. Appearances: F. J. Sisson for the complainants, and Francis K. Kernan for the respondent. The board of trustees of the Village of Whitesboro complains of the condition of the tracks of the New York State Railways in Main street, in said village, alleging that the same are in a dangerous condition, that it is unsafe to operate cars at the present rate of speed over said tracks, that the said tracks are generally in a bad condition and that the same should be reconstructed to promote the security and convenience of the public. The railroad company does not dispute the allegation that the tracks should be reconstructed, but claims that it is unable to obtain a sufficient amount of rails to enable it to do the work this present year. It is willing to agree to rebuild said track complete, the distance involved being about 9900 feet, before the end of the year 1918, and to rebuild approximately one-half of this track during the present year if it can possibly get the track material. The Village of Whitesboro has been endeavoring to have this track rebuilt for several years last past, and the matter has previously been before the Commission for consideration. As far back as March, 1915, the electric railroad inspector of the Commission reported that the tracks should be reconstructed, but recommended that the company be permitted to temporarily repair the tracks in view of the heavy burden of expense to which it was subjected at that time, and also because of the material decrease in operating revenue. The general manager of the railroad stated at the hearing that it was practically impossible to repair the track so that it would be in good operating condition, but that it could be made safe for operation until such time as it could be rebuilt; that such expenditures as might be made for such repairs would in effect be money thrown away. Under the circumstances, it is the view of the Commission that the respondent should keep and maintain said track in such condition as not to endanger the safety of its passengers, and that every effort should be made to rebuild all or a portion of the track during the present year. It is therefore

Ordered: 1. That the New York State Railways be and it hereby is required to rebuild its track or tracks on Main street, in the village of Whitesboro, N. Y., on or before October 1, 1918, and that at least one-half of said track in length be rebuilt during the year 1917.

2. That the respondent notify this Commission within fifteen days from the date of this order whether it accepts the terms thereof and will comply with the same in all respects.

[Case No. 5861]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Joint Petition of OGDENSBURG STREET RAILWAY COMPANY and, OGDENSBURG POWER AND LIGHT COMPANY for approval *nunc pro tunc* August 31, 1911, of the transfer by sale of the power house and plant of the railway company to the power company.

The joint petition of the Ogdensburg Street Railway Company and of the Ogdensburg Power and Light Company asks for an order of the Commission *nunc pro tunc* approving a transfer heretofore made by the Ogdensburg Street Railway Company to the Ogdensburg Power and Light Company of a power house with appurtenances. The transfer was made by deed dated August 31, 1911. From the record it appears that the transfer was made for legitimate corporate purposes and did not operate to the disadvantage of the public or to the impairment of the service of either corporation. The law, however, does not require the approval of the Commission to such transfer, and the Commission is therefore without authority to grant the order asked. The statute appealed to is section 54 of the Public Service Commissions Law. This requires the approval of the Commission to the assignment, transfer, or lease of a franchise or right to or under any franchise to own or operate a railroad or street railroad, and of any contract or agreement with reference to or affecting any such franchise or right. No franchise was in any way involved or affected by this transfer. The distinction is emphasized by sections 70 and 83 of the Public Service Commissions Law which require the consent of the Commission to the transfer of any part of the franchise, works, or system of a gas, electric, or steam corporation. It is therefore

Ordered: That the application be and the same hereby is denied for lack of authority on the part of the Commission.

[Case No. 5887]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of PANAMA TRACTION COMPANY, INC., street surface railroad, under section 9 of the Railroad Law for a certificate that it has properly published its certificate of incorporation and that public convenience and a necessity require the construction of its railroad; and under section 53, Public Service Commissions Law, for permission and approval to begin construction of its railroad.

The Panama Traction Company, Inc., filed with the Commission its petition under section 9 of the Railroad Law for a certificate of public convenience and a necessity for the construction of its proposed railroad to be operated

by power other than steam, beginning about three hundred feet south of the Chautauqua Traction Company's station at Ashville, and thence, by a route described in the petition and by a map filed on the hearing, to the intersection of Main street and Broadway in the village of Panama. The entire route is in the town of Harmony, in Chautauqua county, and is about six miles in length. The petition also asks for the permission and approval of the Commission under section 53 of the Public Service Commissions Law to begin the construction of said railroad and for the approval of its franchise and right to be a railroad corporation. A public hearing was held in the city of Albany March 13, 1917, at which the petitioner appeared and made certain proof; and there was no opposition. Proof of the publication as required by section 9 of the Railroad Law of the articles of association and of the amended articles of association of said petitioner has been duly filed. Now, therefore, upon said petition and upon the evidence presented at said hearing, this Commission certifies that the conditions of section 9 of the Railroad Law have been complied with, and that public convenience and a necessity require the construction of said railroad as proposed in said articles of association and amended articles of association on file in this case; and it is

Ordered: That the Commission hereby grant its permission and approval to the construction of the proposed railroad of the Panama Traction Company, Inc., as described in its petition and its amended articles of association herewith, and its permission and approval of the exercise by said corporation of the franchise and right to be a railroad.

[Case No. 5930]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of CHARLES E. CUDNEY under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Saratoga Springs, it being proposed that the route shall also be operated between Saratoga Springs and the incorporated village of Schuylerville, Saratoga county.

On March 2, 1917, Charles E. Cudney of the town of Corinth, Saratoga county, New York, filed with this Commission a petition asking for a certificate of convenience and necessity for the operation of a bus line in the city of Saratoga Springs, New York. A hearing was held at the office of the Commission in the city of Albany, N. Y., on March 28, 1917, at which time Lawrence B. McKelvey appeared for the petitioner, and Jarvis P. O'Brien for the Boston and Maine Railroad in opposition. Affidavits of publication of the notice of the hearing were duly filed. The City of Saratoga Springs granted a franchise to the petitioner on February 7, 1917, authorizing the operation of a stage line over certain streets in said city under certain conditions. Such operation is to be carried on as a part of a through line between Saratoga Springs and Schuylerville, N. Y. There is no other common carrier now operating along the proposed route in the city of Saratoga Springs, and no local passengers are to be carried in Saratoga Springs. The Boston and Maine Railroad opposes the application because the proposed bus line will compete with it between Schuylerville and Saratoga Springs. However, the Commission has no jurisdiction to prevent the operation of the busses of the petitioner outside of the city. The Commission, on the facts herein set forth, having determined that the application should be granted, hereby certifies that the conditions required by law have been complied with

by the petitioner, and that public convenience and necessity require the operation of a motor vehicle or auto bus line in the city of Saratoga Springs, New York, upon, along, and over the following streets as set forth in the franchise granted to the petitioner by the City of Saratoga Springs, New York, on February 7, 1917, to wit, over Broadway and Lake avenue between William street and the easterly city line on Lake avenue, subject to the terms and conditions set forth in said franchise. The petitioner acquires no authority under this certificate to carry local passengers within the limits of the city of Saratoga Springs. The rights obtained under this certificate shall not be assigned nor transferred without the consent of this Commission.

[Case No. 5498]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the NUNDA ELECTRIC LIGHT COMPANY, INC., under sections 68, 69, and 70 of the Public Service Commissions Law. Also petition of the NUNDA CASKET COMPANY under section 70.

Petition filed March 29, 1916; inventory and appraisal as of January 1, 1916, of the property of the petitioner filed June 30, 1916; hearing held November 29, 1916; report of division of light, heat, and power dated January 4, 1917; report of division of capitalization dated April 3, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the transfer by the Nunda Casket Company as of January 1, 1916, of its electric plant and property situate in the village of Nunda, Livingston county, N. Y., as set forth in an inventory as of that date filed herein, to the Nunda Electric Light Company, Inc., and the acquisition by the latter of such plant and property is hereby authorized *nunc pro tunc*.

2. That the issuance by the Nunda Electric Light Company, Inc., on the 16th day of December, 1915, of 100 shares, each of the par value of \$100, of its capital stock, which stock, aggregating in par value \$10,000, was issued to the Nunda Casket Company in part payment for the electric plant and property owned by that company located in the village of Nunda, Livingston county, N. Y., an investment of \$11,425, is hereby authorized *nunc pro tunc*, leaving an amount unprovided for of \$1425.

3. That the plant and property of the Nunda Casket Company which has been acquired by the Nunda Electric Light Company, Inc., shall be entered upon the books of the last named company at the values shown in the report of the Commission's division of capitalization dated April 3, 1917; and within thirty days of the service of this order a copy of the entry recording the acquisition of such plant, duly verified by the secretary of the corporation, with an explanation of any necessary variation, shall be filed with this Commission.

4. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the use of the stock herein authorized *nunc pro tunc* was reasonably required for the purpose specified in this order, and that such purpose was not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5499]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 5th day of
April, 1917.*Present:*SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.In the matter of the Petition of NUNDA ELECTRIC
LIGHT COMPANY, INC., under section 69 of the Public
Service Commissions Law for authority to issue
\$14,000 common capital stock.Petition filed March 29, 1916; hearing held November 29, 1916 (testimony
filed in case No. 5498); report of division of light, heat, and power dated
January 4, 1917; report of division of capitalization dated April 3, 1917
(filed in case No. 5498). Now therefore, upon the foregoing record,*Ordered as follows:* 1. That the Nunda Electric Light Company, Inc., is
hereby authorized to issue \$14,000 par value of its capital stock which shall
be sold at a price not less than the par value thereof to give net proceeds of
at least that sum.2. That said stock of the par value of \$14,000 so authorized, or the pro-
ceeds thereof to the amount of \$14,000, shall be used solely and exclusively
for the following purposes:(a) For the proposed construction described in the
petition herein, as follows:

1. Electric generators	\$850 00
2. Sub-station equipment	2,000.00
3. Poles and fixtures.....	6,200.00
4. Transmission system	2,000.00
5. Poles and fixtures, distribution system, transform- ers, electric services, meters, and meter installa- tions in Nunda.....	1,500.00
6. Poles and fixtures, distribution system, transform- ers, electric services, meters, and meter installa- tions in Dalton.....	500.00
	<hr/>
	\$13,050.00

Less —

8. Generators to be retired.....	\$375 00
9 Transformers to be retired.....	100.00
	<hr/>
	475.00

\$12,575.00

(b) To be applied toward the purpose for which \$10,000 of common
capital stock issued under the authority granted in case No. 5498
was insufficient by.....

1,425.00

\$14,000.00as set forth in order in that proceeding of even date herewith, in so far as
the same may be applicable, provided (1) that such stock or the proceeds
thereof shall be applied on such new construction summarized in subdivision
(a) hereof only in so far as the same is a real increase in the fixed capital
of the petitioner and not a replacement of any part of such fixed capital or
substitution for wasted capital or other loss properly chargeable to income,
in accordance with the definitions contained in the Uniform System of
Accounts for Electrical Corporations adopted by this Commission; (2) that
there shall be no charges to fixed capital on account of engineering services
in connection with such construction unless such engineering services shall
have been rendered either by other than the regular officers and employees
of the corporation, or in a proper case where such services may have been
rendered by certain of such officers or employees under an express assign-
ment to such construction or improvement work; (3) that if there shall be
required for the aforesaid purposes subject to the limitations herein con-

tained a sum less than an amount equal to the par value of the stock herein authorized, no portion of the proceeds of the stock herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission.

3. That the Nunda Electric Light Company, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the stock herein authorized and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary showing the expenditures during such period by the prescribed accounts. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That the company shall within thirty days from the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5902]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of FRANK LAPOINT, JUNIE WELLS, and WILLIAM HAVENS, and others, of the town of Fort Edward, Washington county, against UNITED GAS, ELECTRIC LIGHT AND FUEL COMPANY OF SANDY HILL AND FORT EDWARD, N. Y., asking that they be furnished with incandescent electric lighting in houses.

Complaint filed February 15, 1917; answer filed March 10, 1917; hearing held at the courthouse in Hudson Falls, N. Y., March 30, 1917. Appearances: Frank J. LaPoint and Junie Wells, complainants, in person; Lyman Jenkins for respondent. The complainants reside on Oak street and Tom street in the town of Fort Edward, adjacent to the village of Hudson Falls, and desire to have the respondent extend its lines from the corner of Oak and John streets along Oak street about 2000 feet to the cemetery, and about 340 feet from Oak street on Tom street, so as to furnish them with electricity for lighting and power purposes. The respondent has its wires in these streets at present and is lighting them. It will be necessary to string additional wires to provide the service desired, as it can not be furnished from the wires

supplying the street lights, and this is fully understood by the complainants. Heretofore the respondent has not been disposed to make the desired extension because it could not secure enough subscribers to warrant it; and besides that, the prospective subscribers were not willing to pay a minimum monthly charge of \$1 and to agree to take the service for two years. It now appears that there are a number of persons in the vicinity in question who would probably be willing to take service and guarantee to pay the company at least one dollar per month for a period of twenty-four months, and the respondent is willing to make the extension if it can procure at least ten such subscribers. It is therefore

Ordered: 1. That the United Gas, Electric Light and Fuel Company of Sandy Hill and Fort Edward, N. Y., extend its lines upon Oak street a distance of about 2000 feet from John street, and on Tom street about 340 feet from Oak street, for the purpose of supplying electricity for lighting, heating, and power purposes to the residents of that locality, as soon as it has obtained contracts from ten subscribers who will agree to take such service in accordance with its rules and regulations and at the regular rates in force in Hudson Falls, N. Y., and to pay therefor a minimum amount of one dollar per month for a period of twenty-four months.

2. That the respondent notify the Commission in writing within ten days from the date of this order if it accepts the same and will obey the terms thereof in all respects.

3. That the respondent notify the Commission within sixty days from the date of this order how many subscribers it has obtained in the territory in question and whether it has made the extensions hereby ordered.

[Case No. 5944]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of POUGHKEEPSIE CITY AND WAPPINGERS FALLS ELECTRIC RAILWAY COMPANY under section 55, Public Service Commissions Law, for authority to the issuance *nunc pro tunc* of \$12,000 in its first mortgage 5 per cent 30-year gold bonds.

Petition filed March 23, 1917. Now, therefore, it is

Ordered: That the issuance by the Poughkeepsie City and Wappingers Falls Electric Railway Company on November 4, 1916, of \$12,000 face value of its first mortgage 5 per cent 30-year gold bonds secured by a mortgage executed on or about July 1, 1893, and given to the Central Trust Company of New York as trustee, and the application of the proceeds, aggregating \$10,200, realized from the sale thereof at 85 per cent of their face value, toward the discharge of its outstanding bills payable, is hereby authorized *nunc pro tunc*.

Finally, it is determined and stated that the money procured by the issue of said bonds herein authorized *nunc pro tunc* was reasonably required for the purpose specified in this order, and that such purpose was not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5035]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of the TOWN BOARD OF THE TOWN OF LEWISTON, Niagara county, under section 91 of the Railroad Law for a determination that an existing overhead highway bridge crossing of the New York Central railroad in said town shall be changed; and complaint in regard to extension of the International railway over the new structure and beyond.

This Commission by order dated March 28, 1917 [case No. 5608], having determined that the bridge in question should be replaced by a new bridge with proper approaches, it is

Ordered: That this complaint is hereby closed on the records of the Commission.

[Case No. 5559]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the ADIRONDACK AND ST. LAWRENCE RAILROAD COMPANY for permission to construct a spur or sidetrack in West Main street, in the village of Hermon, St. Lawrence county, N. Y.

The work covered by the Commission's determination of June 13, 1916, in the above entitled matter, having been entirely completed in accordance with the requirements of said determination to the satisfaction of this Commission, it is

Ordered: That the work be and it is hereby approved.

[Case No. 5814]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of the BOARD OF PUBLIC WORKS OF ROME under section 90 of the Railroad Law for a determination of how an extension of Fifth street in said city shall cross the industrial branch of the New York Central railroad in said city.

On May 8, 1916, there was presented to the Commission a petition of the Board of Public Works of the City of Rome under section 90 of the Railroad Law for a determination as to how an extension of Fifth street in said city shall cross the industrial branch of the New York Central railroad. For the reason set forth in an Opinion of September 19, 1916, that all the requirements of the statute had not been satisfied by the petitioner, the Commission on the same date dismissed the application [case No. 5560]. The city subsequently filed its petition in the above entitled matter December 2, 1916, upon which the Commission held a hearing on January 5th, at which time due proof of publication of notice of hearing and of personal service thereof on interested property owners as required by law and prescribed by the Commission was made. At this hearing the city expressed a desire that the new crossing be made at grade, to which the railroad company did not object. It was accordingly agreed between the parties that the railroad company should prepare a plan for the proposed crossing, submitting it to the city and this Commission for approval. Such a plan, approved by the railroad company, has meanwhile been prepared and submitted to and approved by the city. Upon the evidence submitted the Commission is of the opinion that the proposed crossing should be made at grade. Therefore it is

Ordered: That a fifty-foot wide extension of Fifth street in the city of Rome, as laid out by the board of public works pursuant to resolution duly adopted on October 2, 1916, from East Dominick street on the north side of the tracks to Railroad avenue on the south side of the tracks, shall cross the industrial branch tracks of the New York Central railroad in said city at the grade of said tracks, in accordance with the requirements shown upon a plan accepted by the railroad corporation as indicated by the signature of its division engineer, and by the City of Rome as indicated by a letter dated March 16, 1917, from the clerk of the board of public works. Said plan on file with this Commission and marked exhibit A is hereby also accepted and approved by this Commission.

Beginning at the southerly line of East Dominick street on the north side of the tracks and proceeding southerly, the grade on the extension of Fifth street shall descend at the rate of 6 per cent a distance of about 75 feet to the surface of the most northerly track; thence level across the two adjacent tracks; thence by slightly descending grade about 30 feet long to a third track, and after crossing said track continuing on a slightly descending grade about 50 feet long to join the surface of Railroad avenue on the south side of the tracks.

On each side of the new street there shall be reserved a 10-foot strip for sidewalk purposes, and in the center of each strip there shall be constructed a 4 feet wide concrete walk. The 30 feet wide roadway, margined by curbs, shall be paved with brick. The space between the rails of the tracks and for a distance approximately 2 feet exterior thereto shall be planked for a width of about 44 feet, all as shown upon plan exhibit A heretofore referred to.

[Case No. 5835]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF BLODGETT MILLS, Cortland county, *against* THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, asking that train No. 909 (passenger, daily), passing at 6:15 a. m., stop (except Sunday) at said station for passengers to the city of Cortland.

Upon the facts found and for the reasons stated in the accompanying memorandum, it is

Ordered: 1. That beginning not later than May 1, 1917, the respondent cause its passenger train 909, running from Binghamton to Oswego, to stop daily except Sunday at the Blodgett Mills station.

2. That after a period of six months the respondent may apply to the Commission for a rescission of this order in the event that the amount of travel is found not to justify the stop.

3. That the respondent notify the Commission within ten days after service of a copy of this order as to its acceptance thereof.

[Case No. 5921]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF HORNELL *against* ADAMS EXPRESS COMPANY and WELLS FARGO AND COMPANY EXPRESS, asking that the collection and delivery limits of said companies in Hornell be extended.

Some thirty-four residents of Hornell make this complaint, asking for an extension of the free delivery limits of the Adams Express Company and Wells Fargo Express Company within said city. A public hearing was held in the city of Hornell March 23, 1917, and the sitting Commissioner made a personal inspection of the region to which it is desired that the free delivery limits should be extended. The region is not far from the business center of the city. It is a residence district containing more than one hundred houses. On the other hand, it is on the side of quite a steep hill, and the difficulty of operating wagons on the steep streets and the small amount of express business attributable to the district are the reasons of the express companies for denying the extension. There is a street which forms practically the western limit of the built up portion of the city, running north and south, and known as Hartshorn street. Leading east from Hartshorn street, naming them

from north to south, are West street, Adams avenue, Sherman street, Spruce street, Ravine street, Ellsworth street, and Wood street. The distance on these cross streets from Hartshorn street to the present delivery limits not far from the foot of the hill is in no instance as much as four hundred and fifty feet. The present limits include West street as far as Hartshorn street, and along Hartshorn street to Adams avenue, and down Adams avenue. The entire hill to Hartshorn street is surmounted in coming up West street. To deliver along Hartshorn street to Wood street involves no hill climbing. The additional distance is about seventeen hundred feet. The grade of Wood street is not severe. The intervening east and west streets: Sherman, Spruce, Ravine, and Ellsworth, are short in distance from Hartshorn to the present limits. The entire region enjoys free mail delivery, gas, electric and telephone service, and the ordinary delivery service of coal and other supplies by merchants. The express business is extremely limited. The records of the two companies show only six packages received during a period of four months. Probably some deliveries are now made by parcel post that would be made by express if express delivery could be had. But to extend the service evidently would require only rarely the extension of a wagon trip, and naturally the load at these outlying points would be light. To grant service would greatly convenience the residents on the few occasions when they receive shipments, and it would impose no considerable expense or burden upon the companies. The question of safety may be disregarded. If the short hills involved can be traversed by all other vehicles, they can be traversed occasionally by an express wagon with a light load. It is therefore

Ordered: 1. That the respondents, on or before May 1, 1917, extend their free delivery limits within the city of Hornell so as to include Hartshorn street from Adams avenue to Wood street, and Wood street to High street, and Sherman street, Spruce street, Ravine street, and Ellsworth street from Hartshorn street to the present delivery limits.

2. That said respondents be and they are hereby authorized to file appropriate tariffs or supplemental tariff regulations for the purpose of carrying out this order, such tariffs or supplemental tariffs to be made effective on five days' notice.

3. That the respondents shall within ten days after the service of this order inform the Commission as to their acceptance thereof.

[Case No. 5708]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District held in the city of Albany on the 12th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the TOWN BOARD AND SUPERINTENDENT OF HIGHWAYS OF THE TOWN OF RIPLEY, Chautauqua county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY, and RECEIVER, BUFFALO AND LAKE ERIE TRACTION COMPANY, as to protection at a crossing at grade of said railroads and a highway.

The New York Central Railroad Company, one of the petitioners in the above entitled matter, having petitioned the Commission requesting that the order in this case made on the 27th day of February, 1917, may be vacated,

and that a hearing may be given, and that the petitioner be not obliged to place a flagman on said crossing until the matter may be disposed of at a meeting held for that purpose. The allegations in the petition and the facts and circumstances connected with the case having been examined by the Commission, and it appearing that in the interest of justice said petitioner should have an opportunity to present further proofs if it so desires,

Ordered: That the order in this case made on the 27th day of February, 1917, be and the same hereby is vacated, and that a further hearing be given to said petitioner.

[Case No. 5842]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARRITE,
Commissioners.

In the matter of the Petition of CLYMER TELEPHONE COMPANY under section 101, Public Service Commissions Law, for authority to issue \$9250 common capital stock.

Petition filed December 26, 1916; report of telephone engineer dated March 6, 1917; substitute petition filed April 2, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the issuance between November 9, 1914, and February 1, 1917, by the Clymer Telephone Company of \$11,350 par value of its common capital stock, and the application of the proceeds realized from the sale thereof at its par value toward the cost (\$16,548.71) of construction of its plant and system, as set forth in the report herein dated March 6, 1917, of the Commission's division of telegraphs and telephones, is hereby authorized *nunc pro tunc*.

2. That the Clymer Telephone Company is hereby authorized to issue \$8650 par value of additional common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That said stock of the par value of \$8650 so authorized, or the proceeds thereof to the amount of \$8650, shall be used solely and exclusively for the following purposes:

(a) To discharge the following short-term notes outstanding at December 31, 1916, incurred in the construction of the petitioner's plant and system, given to the parties shown below:

State Bank at Clymer.....	\$2,600.00
Bank of Jamestown.....	2,000.00
Interest thereon to December 31, 1916.....	86.20

\$4,686.20

(b) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets to December 31, 1916, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.

495.60

(c) For working capital.....

3,468.20

\$8,650.00

in so far as the same may be applicable, provided that such working capital shall not be disbursed by such company for purposes properly chargeable to income but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

4. That the Clymer Telephone Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended and used for each of the purposes specified herein during such period of the proceeds of the stock herein authorized. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended or used the report shall set forth such fact.

5. That the Clymer Telephone Company shall open its books as of December 31, 1916, in accordance with the requirements of the Uniform System of Accounts for Telephone Corporations, a copy of which shall be served upon the company, and the amount of \$16,548.71 debited to fixed capital shall be distributed between the appropriate sub-accounts substantially in accordance with the report herein dated March 6, 1917, of the Commission's division of telegraphs and telephones, so that a balance sheet taken from its books as of December 31, 1916, will be in accordance with that shown on pages 3 and 4 of said report; and that within thirty days of the service of this order the company shall file a statement properly sworn to containing a copy of the entry so made upon its books.

6. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money procured and to be procured by the issue of said stock herein authorized was and is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5872]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE DEPEW AND LANCASTER LIGHT, POWER AND CONDUIT COMPANY under section 69, Public Service Commissions Law, for authority to issue \$72,500 in preferred capital stock.

Petition filed January 16, 1917; report of division of capitalization dated April 5, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Depew and Lancaster Light, Power and Conduit Company is hereby authorized to issue \$72,500 par value of its 7 per cent cumulative preferred capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least \$72,500.

2. That said stock of the par value of \$72,500 so authorized, or the proceeds thereof to the amount of \$72,500, shall be used solely and exclusively for the following purposes:

(a) To discharge a note outstanding at December 31, 1915, or the renewals thereof	\$1,600.00
(b) To pay audited vouchers owing at December 31, 1915.....	26,867.26
(c) To provide for extensions and improvements to the facilities of the petitioner as detailed in exhibit A attached to the petition in case No. 5589, for which bonds or their proceeds authorized to be issued by order in that case dated July 20, 1916, were insufficient by \$32,424.13	9,000.00
(d) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the calendar years 1914 to 1916 inclusive, not obtained from the the issue of stocks, bonds, notes, or other evidence of such corporation.....	35,032.74
	<hr/> \$72,500.00

3. That The Depew and Lancaster Light, Power and Conduit Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivisions (a) and (d) of clause 2 of this order there shall be shown the amount used therefor during the period of the proceeds of the stock herein authorized; (g) with respect to subdivision (b) of clause 2 of this order there shall be shown in detail the amount expended therefor during the period of the proceeds of the stock herein authorized; (h) with respect to subdivision (c) of clause 2 of this order there shall be shown (1) in detail the amount expended therefor during the period of the proceeds of the stock herein authorized and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged, together with all details of any credits to fixed capital in connection with such expenditures; (2) a summary showing the expenditures during such period by the prescribed accounts. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended or used the report shall set forth such fact.

4. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5880]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY's proposed new local and joint, in connection with the Schenectady Railway Company, passenger fares and charges, and regulations and practices affecting such fares and charges.

Second
suspension
order.

The Commission by order dated January 25, 1917, entered upon an investigation concerning the propriety of the proposed fares, charges, regulations, and practices stated in passenger tariffs designated as follows: Fonda, Johnstown and Gloversville Railroad Company, in connection with Schenectady Railway Company, joint tariff naming passenger fares, one-way and round-trip, P. S. C., 2 N. Y., No. 334; Fonda, Johnstown and Gloversville Railroad Company, Electric division, supplement No. 6 to local and inter-division passenger tariff P. S. C., 2 N. Y., No. 150; and pending hearing and decision thereon ordered that said tariff publications be suspended, and the use of the fares, charges, regulations, and practices contained be deferred until the 15th day of April, 1917; and it now appearing that such investigation can not be concluded within the period of suspension, it is

Ordered: 1. That the said designated tariff publications of the Fonda, Johnstown and Gloversville Railroad Company be further suspended, and that the use of the fares, charges, regulations, and practices be further deferred until the 15th day of May, 1917.

2. That a copy of this order be filed with said tariff publications in the office of this Commission, and that copies hereof be forthwith served upon the respondent to this proceeding.

3. That the said Fonda, Johnstown and Gloversville Railroad Company, respondent, shall immediately upon receipt of this order publish and file with the Commission proper tariff amendments containing notice of this order of suspension, stating that said tariff and tariff supplement are further suspended, and that the schedules contained may not be applied or charged until further notice or until May 15, 1917, referring by proper P. S. C., 2 N. Y., number to the tariffs in which fares, charges, regulations, and practices applying during the period of suspension may be found. The title-pages of said tariff amendments shall show date of issue and bear notation "Issued under order of the Public Service Commission, Second District, State of New York, of date April 12, 1917, in case No. 5880".

[Case No. 5881]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the SCHENECTADY RAILWAY COMPANY'S proposed new passenger fares and charges, and regulations and practices affecting such fares and charges. Second suspension order.

The Commission by order dated January 25, 1917, entered upon an investigation concerning the propriety of the proposed fares, charges, regulations, and practices stated in passenger tariff designated as follows: Schenectady Railway Company, local passenger tariff, supplement No. 8 to P. S. C., 2 N. Y., No. 19; and pending hearing and decision thereon ordered that said tariff publication be suspended, and the use of the fares, charges, regulations, and practices be deferred until the 15th day of April, 1917; and it now appearing that such investigation can not be concluded within the period of suspension, it is

Ordered: 1. That the said designated tariff publication of the Schenectady Railway Company be further suspended, and that the use of the fares, charges, regulations, and practices be further deferred until the 15th day of June, 1917.

2. That a copy of this order be filed with said tariff supplement in the office of this Commission, and that a copy hereof be forthwith served upon the respondent to this proceeding.

3. That the said Schenectady Railway Company, respondent, shall immediately upon receipt of this order publish and file with the Commission proper tariff amendment containing notice of this order of suspension, stating that said tariff supplement is further suspended, and that the schedules contained may not be applied or charged until further notice or until June 15, 1917, referring by proper P. S. C., 2 N. Y., number to the tariff in which fares, charges, regulations, and practices applying during the period of suspension may be found. The title-page of said tariff amendment shall show date of issue and bear notation "Issued under order of the Public Service Commission, Second District, State of New York, of date April 12, 1917, in case No. 5881".

[Case No. 5922]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of April, 1917.*Present:*SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BAEHTE,
Commissioners.

In the matter of the Joint Petition of BUTTERMILK FALLS ELECTRIC COMPANY and ORANGE AND ROCKLAND ELECTRIC COMPANY under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named company to the second named company; and by the Orange and Rockland Electric Company for consent to acquire all of the capital stock of the first named company, and under subdivision 3, section 61, Transportation Corporations Law, merge it under section 15 Stock Corporation Law; the Orange and Rockland Electric Company also asking in this petition authority under section 69, Public Service Commissions Law, to issue preferred capital stock and mortgage bonds.

Petition filed February 23, 1917; report of division of capitalization dated April 12, 1917. Now therefore it is

Ordered: 1. That the Orange and Rockland Electric Company is hereby authorized to acquire and hold the entire outstanding issue of capital stock of Buttermilk Falls Electric Company, consisting of 150 shares, each of the par value of \$100, aggregating a par value of \$15,000.

2. That the Orange and Rockland Electric Company is hereby authorized to issue \$41,300 par value of its 7 per cent cumulative preferred capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That the Orange and Rockland Electric Company is hereby authorized to issue \$13,000 face value of its 5 per cent 20-year first and refunding mortgage bonds under a certain indenture, deed of trust, or mortgage dated May 1, 1911, given to The Columbus Trust Company of the City of Newburgh as trustee, to secure an authorized issue of a total face value of \$500,000.

4. That said bonds of the total face value of \$13,000 shall be sold for not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$11,700.

5. That said bonds and stock of the face and par value of \$54,300 so authorized, or the proceeds thereof in the amount realized, shall be used solely and exclusively for the following purposes:

(a) For the purchase and acquisition of all of the outstanding capital stock of the Buttermilk Falls Electric Company, consisting of 150 shares each of the par value of \$100, aggregating \$15,000, provided that at the time such stock is purchased the Buttermilk Falls Electric Company shall be free and clear of all debts, liens, and incumbrances, the purchase price to be provided as follows:

\$13,000 face value of bonds herein authorized to be sold at not less than 90% of their face value.....	\$11,700.00
\$7,100 par value of 7% cumulative preferred capital stock at a value of	8,283.38
Cash realized from the sale at par of other of the capital stock herein authorized	5,016.67
	<hr/>
	\$25,000.00

(b) For extensions and improvements to the property of the Butter-milk Falls Electric Company herein authorized to be acquired, as detailed in schedule F of the petition (to be provided from the balance of proceeds realized from the sale of capital stock herein authorized to be issued)..... \$29,200.63

in so far as the same may be applicable, provided (1) that such securities or the proceeds thereof shall be applied on such new construction summarized in subdivision (b) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than an amount equal to the face and par value of the securities herein authorized, no portion of the proceeds of the securities herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in schedule F of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the work to be done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such work, the actual cost of which must be actual expenditures made as defined in the Commission's Uniform System of Accounts for Electrical Corporations.

6. That if the said bonds and stock of the total face and par value of \$54,300 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$54,200.63, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Orange and Rockland Electric Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Orange and Rockland Electric Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with the expenditures on account of subdivision (b) of clause 5 of this order. In reporting under subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That this Commission hereby consents that the Orange and Rockland

Electric Company may merge into itself the Buttermilk Falls Electric Company, provided that there shall be stamped or inscribed upon each of the certificates of capital stock of that corporation a legend setting forth that said corporation has been merged by the Orange and Rockland Electric Company as herein authorized; and that at the proper time, to be determined by this Commission, satisfactory proof of such stamping or inscribing of said stock certificates in such form as may be prescribed by the Commission shall be submitted to it by said Orange and Rockland Electric Company.

10. That this case is hereby continued upon the records of the Commission pending the receipt of the reports of its divisions made after an examination of the property of the Buttermilk Falls Electric Company, after which an order will be entered specifying the manner in which the property herein authorized to be acquired shall be placed upon the books of the Orange and Rockland Electric Company and whether or not the use herein authorized of the proceeds of bonds was for purposes properly chargeable to operating expenses or to income.

11. That none of the expenses incurred by the Orange and Rockland Electric Company in connection with this proceeding, except those directly incurred on account of the actual issuance of the capital stock herein authorized, shall be charged to fixed capital.

12. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order.

[Case No. 5932]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of J. HOWARD PITKIN under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Saratoga Springs, it being proposed that the route shall also be operated between Saratoga Springs and the incorporated village of Corinth, Saratoga county.

Petition filed March 12, 1917; affidavits of publication of notice of hearing filed on March 28, 1917; hearing held in the city of Albany, N. Y., on March 28, 1917. Appearances: William E. Benton for petitioner; Lawrence B. McKelvey for Saratoga Stage Line, Inc., in opposition; Lewis E. Carr for The Delaware and Hudson Company. On February 7, 1917, the City of Saratoga Springs granted a franchise to the petitioner authorizing the operation of a stage line over certain streets in the city of Saratoga Springs under certain conditions, such route to be operated as part of a through line between Saratoga Springs and the village of Corinth, N. Y. There is no other common carrier now operating along the proposed route in Saratoga Springs, and no local passengers are to be carried in that city. The Saratoga Stage Line, Inc., opposed the application because it obtained a certificate of convenience and necessity from this Commission on or about February 3, 1914, covering the

operation of a stage line between Saratoga Springs and Corinth as required by the provisions of the statute in force at that time. Since then, however, another statute has been enacted known as chapter 667 of the laws of 1915, which requires that the consent of the local authorities in a city must be obtained, and a certificate of convenience and necessity secured from this Commission, before a stage route or bus line can operate within the limits of such city. The restrictions, however, as to the operation of a stage route over a state highway outside the limits of an incorporated city were removed, so that it is not now necessary to obtain any certificate of convenience and necessity before operating an auto bus on a state highway. Counsel for the Saratoga Stage Line, Inc., claimed that because it has been operating under the certificate formerly granted by this Commission that it should now be protected in such operation, and that the Commission should refuse to grant the certificate of convenience and necessity applied for by the petitioner covering the operation of a bus line by it in the city of Saratoga Springs. The Commission has no power to prevent others from competing with the Saratoga Stage Line, Inc., on the state highway between the city line of Saratoga Springs and the village of Corinth. The City of Saratoga Springs has seen fit to grant a franchise to the petitioner for operation in the city, and the record shows that it has also granted a similar franchise to the Saratoga Stage Line, Inc. The situation here presented is practically identical with the one presented to the Commission in cases Nos. 5326 and 5376, covering applications of Allen P. Bartholomew and John J. Neil for certificates of convenience and necessity covering the operation of busses in the city of Geneva, N. Y., as a part of a through line between Geneva and Penn Yan. In those cases the Opinion of Commissioner Irvine, No. 249, points out that this Commission ought not to refuse a certificate of convenience and necessity in a case like the present one, where use of the streets is to be made for the sole purpose of enabling travelers from an outlying district to reach a point of destination in the city. For the reasons herein set forth, the Commission has determined that the application should be granted, and it hereby certifies that the conditions required by law have been complied with by the petitioner, and that public convenience and necessity require the operation of a motor vehicle or auto bus line in the city of Saratoga Springs, N. Y., upon, along, and over the following streets as set forth in the franchise granted to the petitioner by the City of Saratoga Springs, N. Y., on February 7, 1917, to wit, from William street along Broadway and Church street to the westerly city line on Church street, subject to the terms and conditions set forth in said franchise. The petitioner acquires no authority under this certificate to carry local passengers within the limits of the city of Saratoga Springs. The rights obtained under this certificate shall not be assigned nor transferred without the consent of the Commission.

[Case No. 5939]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of SARATOGA STAGE LINE, INCORPORATED, under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Saratoga Springs, it being proposed that the route shall also be operated between Saratoga Springs and the incorporated village of Corinth, Saratoga county.

Application filed March 22, 1917; affidavits of publication of notice of hearing filed April 9, 1917; hearing held in the city of Albany on April 9, 1917. Appearances: Lawrence B. McKelvey for petitioner; William E. Benton for J. Howard Pitkin. The petitioner has been operating a bus line between the city of Saratoga Springs and the village of Corinth, N. Y., pursuant to authority granted by certificate of convenience and necessity granted by this Commission in February, 1914, under the provisions of the statutes which were in force at that time relating to such operation. Chapter 667 of the laws of 1915 has since been enacted, requiring a stage line to procure a franchise from the municipal authorities when the operations are to be carried on in a city. The petitioner procured such a franchise from the City of Saratoga Springs under date of February 7, 1917, authorizing it to operate a stage line over certain streets in said city under certain conditions as a part of a through route between the city of Saratoga Springs and the village of Corinth. No local passengers are to be carried in Saratoga Springs, and the only other common carrier now operating or about to operate over this route is J. Howard Pitkin, to whom a certificate of convenience and necessity is about to be granted by this Commission. The Commission, on the facts herein set forth, having determined that the application should be granted, hereby certifies that the conditions required by law have been complied with by the petitioner, and that public convenience and necessity require the operation of a motor vehicle or auto bus line in the city of Saratoga Springs, N. Y., upon, along, and over the following streets as set forth in the franchise granted to the petitioner by the City of Saratoga Springs, N. Y., on February 7, 1917, to wit, from William street along Broadway and Church street to the westerly city line on Church street, subject to the terms and conditions set forth in said franchise. The petitioner acquires no authority under this certificate to carry local passengers within the limits of the city of Saratoga Springs. The rights obtained under this certificate shall not be assigned nor transferred without the consent of the Commission.

[Case No. 5966]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the SCHENECTADY RAILWAY COMPANY'S proposed discontinuance of round-trip fares applying in both directions between Group 1 and Group 4 stations and stops on Troy division.

It appearing that there has been filed with this Commission a passenger tariff supplement containing a proposed regulation eliminating all round-trip fares applying in both directions between Group 1 and Group 4 stations and stops on Troy division of the Schenectady Railway Company's lines, to become effective May 10, 1917, designated as follows: Schenectady Railway Company, local passenger tariff, supplement No. 10 to P. S. C., 2 N. Y., No. 19,

Ordered: That this Commission upon its own motion shall, without formal pleading, enter upon a hearing concerning the propriety of the proposed regulation eliminating all round-trip fares applying in both directions between Group 1 and Group 4 stations and stops on Troy division as contained in said designated tariff supplement.

And it further appearing that the discontinuance of said round-trip fares operates to increase the fares or charges for the transportation of passengers and that the rights and interests of the public may be injuriously affected thereby, and it being the opinion of the Commission that the effective date of the above specified tariff supplement should be postponed pending hearing and decision thereon, it is further

Ordered: That the operation of the tariff supplement above specified be and it is hereby suspended, and that the use of the regulation eliminating all round-trip fares applying in both directions between Group 1 and Group 4 stations and stops of Troy division therein stated be and is hereby deferred until the 15th day of June, 1917; and it is further

Ordered: That a copy of this order be filed with the said tariff supplement in the office of this Commission, and that a copy hereof be forthwith served upon the Schenectady Railway Company; and that said Schenectady Railway Company be and it is hereby made respondent to this proceeding, and that it be duly notified of the time and place of hearing hereafter to be fixed herein; and it is further

Ordered: That upon receipt of this order by said respondent it shall publish and file with the Commission proper tariff amendment containing notice of this order of suspension, stating that said tariff supplement is under suspension, and that the regulation contained may not be applied or used until further notice or until June 15, 1917. Said tariff amendment shall also refer by proper P. S. C., 2 N. Y., number to the tariff in which round-trip fares applying during the period of suspension may be found, and the title-page of such tariff amendment shall show date of issue and bear notation "Issued under order of the Public Service Commission, Second District, State of New York, of date April 12, 1917, in case No. 5966".

[Case No. 494]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 17th day
of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the use of oil-burning locomotives on
the Adirondack division of the New York Central
and Hudson River railroad (now The New York Cen-
tral Railroad Company), and on the Carthage and
Adirondack branch of the St. Lawrence division of
said railroad.

The New York Central Railroad Company having by letter dated April 12,
1917, requested the postponement of the effective date of the order of this
Commission of April 1, 1909, requiring the use of oil-burning locomotives
within the Adirondack Forest Preserve from April 15th to some date here-
after, since there is no danger from fire within the Forest Preserve because
of the large amount of snow in that portion through which the lines of this
company pass; and this Commission having confirmed this statement with
reference to the amount of snow and the danger from fire by an examination
by one of its inspectors; and the Conservation Commission having stated in
a letter dated April 14, 1917, that it has no objection to the postponement
of the effective date from April 15, 1917, to April 25, 1917; and Chairman
Van Santvoord having granted permission to said company to use coal-burn-
ing locomotives until April 25, 1917, by letter addressed to the general mana-
ger of said company dated April 14, 1917, with the understanding that oil-
burning locomotives shall be placed in service at any time prior to April 25,
1917, within twelve hours of receipt of notice from this Commission so to do;
now therefore

Ordered: That the action of Chairman Van Santvoord aforesaid be and
the same is hereby ratified and approved.

[Case No. 2303]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 17th day
of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the EMPIRE GAS
AND ELECTRIC COMPANY for authority to issue capital
stock and bonds, and further to acquire the stock of
and merge into itself other companies.

All petitions, minutes of hearings, reports, orders, etc., previously filed in
this proceeding; application dated August 23, 1916; memorandum of divi-
sion of capitalization dated March 31, 1917. Now therefore, upon the fore-
going record,

Ordered as follows: 1. That ordering clause 2 of the order dated June 23,
1913, as modified by the order dated April 6, 1915, is hereby further

amended so as to permit the reduction of the remaining balance in the account "Unamortized depreciation suspense" by the amount of \$50,296.70, which amount shall be credited to that account and concurrently charged to account "Sinking fund reserve," thereby closing out the latter account.

2. That the above ordering clause of the order mentioned as modified in the manner above described be also amended to permit the charging to profit and loss account of the balance which will remain in the "Unamortized depreciation suspense" account after the application of the journal entry for \$50,296.70 referred to in ordering clause 1 above.

3. That the company shall within thirty days of the service of this order advise the Commission as to its acceptance of the same with all its terms and conditions, at the same time proving that it has satisfied said terms and conditions by submitting verified copies of such journal entry or entries as accomplish the adjustments designated herein.

[Case No. 4611]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
JOHN A. BARKITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which state highway No. 5459 (route 5, section 7) shall cross the tracks of the Ulster and Delaware railroad in the town of Roxbury, Delaware county.

On February 28, 1917, the State Commission of Highways and The Ulster and Delaware Railroad Company filed with this Commission their accounting of expenditures herein and the distribution thereof, indicating the following sums chargeable to the respective parties in interest: The Ulster and Delaware Railroad Company, \$16,235.44; State Commission of Highways, \$16,235.44; Town of Roxbury, \$2265.35. This Commission subsequently determined that the proposed distribution of expenditures was erroneous, and that the amount stated as chargeable to the Town of Roxbury should be reduced by the sum of \$585, which sum should be equally distributed between the railroad corporation and the State Commission of Highways, so that the amounts properly chargeable to the respective parties, including interest to January 1, 1917, are and hereby are determined to be as follows: The Ulster and Delaware Railroad Company, \$16,527.94; State Commission of Highways, \$16,527.94; Town of Roxbury, \$1680.35: \$34,736.23. The accounting papers as originally drawn and submitted included interest to January 1, 1917. The railroad company having accepted the reapportionment thus determined by this Commission to be proper, on March 20th filed its revised accounting upon the precise basis of the aforesaid determination of this Commission, except that in such revised accounting interest was computed to April 1st. Upon the objection to such extension of the interest period by the State Commission of Highways, this Commission held a hearing on April 9th, and after due consideration and for reasons set forth in a memorandum dated April 17, 1917, is unanimously of the opinion that the claim of the railroad company for such extension of the interest period should be rejected; and accordingly it is determined by the Commission that final settlement herein shall be made upon the basis of interest computation to January 1, 1917, as reflected in the amounts herein found to be chargeable against the respective parties in interest as above specified.

[Case No. 4877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 17th day
of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the use of oil-burning locomotives by
the GRASSE RIVER RAILROAD CORPORATION.

The Grasse River Railroad Corporation having by letter dated April 13, 1917, requested the postponement of the effective date of the order of this Commission of April 1, 1909, requiring the use of oil-burning locomotives within the Adirondack Forest Preserve from April 15th to some date hereafter, since there is no danger from fire within the Forest Preserve because of the large amount of snow in that portion through which the line of this corporation passes; and this Commission having confirmed this statement with reference to the amount of snow and the danger from fire by an examination by one of its inspectors; and the Conservation Commission having stated in a letter dated April 14, 1917, that it has no objection to the postponement of the effective date from April 15, 1917, to April 25, 1917; and Chairman Van Santvoord having granted permission to said corporation to use coal-burning locomotives until April 25, 1917, by letter addressed to the president of said corporation dated April 14, 1917, with the understanding that oil-burning locomotives shall be placed in service at any time prior to April 25, 1917, within twelve hours of receipt of notice from this Commission so to do, now therefore

Ordered: That the action of Chairman Van Santvoord aforesaid be and the same is hereby ratified and approved.

[Case No. 5029]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 17th day
of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS FORMERLY
USING TRAINS NOS. 35 AND 36 (milk trains) AT
HOLMES CROSSING, near Darien Center, Genesee
county, against THE DELAWARE, LACKAWANNA AND
WESTERN RAILROAD COMPANY, asking that these
trains resume the carrying of passengers, and that
Holmes station be made a pay station to be placed
on the timetable of said railroad.

The above entitled matter having duly come on for hearing upon the issues formed by the petition and the answer, before Commissioner Barhite at Buffalo, New York, on the 13th day of April, 1917; and after hearing the complainants in person and Mr. Louis L. Babcock of Buffalo, New York, of counsel, and Mr. Benjamin F. Doolittle of Buffalo, New York, trainmaster of the respondent; and due consideration having been duly had, it is

Ordered: 1. That The Delaware, Lackawanna and Western Railroad Company be and it hereby is required to take on and let off passengers at Holmes crossing, so called, near Darien Center, in Genesee county, New York, on trains Nos. 35 and 36 respectively, whenever said trains or either of them shall stop at said crossing for the purpose of loading or unloading milk or empty cans, and shall take on and let off passengers upon any other train which shall stop at the same point for like purpose, and shall have a passenger coach or coaches attached thereto.

2. That this order shall take effect five days after its service upon The Delaware, Lackawanna and Western Railroad Company.

3. That the respondent notify the Commission within five days after the receipt of this order whether it accepts the same and will comply therewith in all respects.

[Case No. 277]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF WARSAW, Wyoming county, under section 62 (now section 91) of the Railroad Law for the elimination of a highway grade crossing of the Erie railroad known as Clark's Crossing, in said town.

Upon the recommendation of the Erie Railroad Company as indicated by the signatures of its chief engineer and its engineer of bridges and buildings upon the detail plan showing the structure to be erected pursuant to a determination of this Commission in the matter above entitled; and upon the approval of the Town of Warsaw as indicated by a letter dated April 16, 1917, from the supervisor, it is

Ordered: That said plan be and it is hereby approved.

[Case No. 2303]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the EMPIRE GAS AND ELECTRIC COMPANY for authority to issue capital stock and bonds, and further to acquire the stock of and merge into itself other companies. Supplemental order.

By petition dated December 19, 1916, the Empire Gas and Electric Company and the Empire Coke Company ask authority among other things to issue and sell at not less than 90 per cent of their face value \$10,000 face

value of joint first and refunding 5 per cent 30-year gold bonds, the proceeds realized to be used toward the retirement of \$10,000 face amount underlying bonds, being first mortgage bonds of the Geneva Gas Company, a constituent corporation of the Interurban Gas Company, which last named company was as of July 20, 1911, merged into the Empire Gas and Electric Company. Examination discloses that the joint Empire Coke Company and Interurban Gas Company mortgage dated August 1, 1903, provides for an amount of bonds sufficient to refund the \$10,000 face amount of Geneva Gas Company bonds involved, and that thereafter a joint first and refunding mortgage of the Empire Gas and Electric Company and Empire Coke Company dated March 1, 1911, provides for the retirement of all outstanding joint Empire Coke and Interurban bonds as well as a sufficient amount thereof to refund the \$10,000 of Geneva Gas Company bonds. Now therefore, upon the foregoing, it is

Ordered: 1. That the Empire Gas and Electric Company is hereby authorized to issue \$10,000 face value of mortgage bonds under the joint Empire Coke Company and Interurban Gas Company mortgage dated August 1, 1903, which bonds shall be used solely and exclusively for the purpose of even exchange face for face for first mortgage bonds of the Geneva Gas Company.

2. That the Empire Gas and Electric Company is hereby authorized to issue \$10,000 face value of its 5 per cent 30-year joint first and refunding mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated March 1, 1911, given generally by it and the Empire Coke Company to the Pennsylvania Company for Insurances on Lives and Granting Annuities as trustee, to secure an authorized issue of the total face value of \$5,000,000.

3. That said 5 per cent 30-year joint first and refunding mortgage gold bonds of the face value of \$10,000 may be sold for not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$9000, and in case of such sale the proceeds thereof shall be applied toward the refunding of \$10,000 face value of joint Empire Coke Company-Interurban Gas Company bonds, the issuance of which is authorized in ordering clause No. 1 aforesaid.

4. That none of the bonds of either issue before designated and authorized herein shall be hypothecated or pledged as collateral by the Empire Gas and Electric Company unless such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That the Empire Gas and Electric Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds of either or both before mentioned issues have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold or with whom exchanged; (d) any other terms or conditions of such sale or exchange; (e) the amount expended during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Said reports shall continue to be filed until all of said bonds shall have been sold or disposed of in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of the report shall set forth such fact.

6. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5819]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE ENNET,
FRANK IRVINE,
JAMES O. CARE,
Commissioners.

In the matter of the Complaint under section 27, Public Service Commissions Law, of BENFORD MANUFACTURING COMPANY against THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, asking for a side-track and switch connection for complainant's plant in the city of Mount Vernon located about one hundred and fifty to two hundred feet from the New York city line.

A motion having been made in the above entitled proceeding to reopen the case for the purpose of hearing further evidence and argument on behalf of the respondent, and for a stay in the meantime of all proceedings under the order in this proceeding made on the 1st day of February, 1917; and it appearing that because of a misunderstanding in the office of respondent the papers in this case were not placed in the hands of the attorney who usually represents respondent in matters of this kind until after the hearings in the case had been completed and the order of the Commission made, with the result that the respondent was represented at said hearings by officials other than those usually assigned to cases of this character; and that certain matters of argument and proof which in the opinion of the attorney for the respondent would have had an important influence upon the Commission's decision of the case were not called to the Commission's attention prior to the making of its said order of February 1, 1917; and it being the view of the Commission under these circumstances that the respondent should be permitted, through its regular attorney, to present such further evidence and argument in reference to the case as it may desire to bring to the attention of the Commission before the matter is finally disposed of; it is hereby

Ordered: That this case be and the same hereby is reopened, and that until further order of this Commission all proceedings under the Commission's order bearing date February 1, 1917, be and the same hereby are suspended, and that the case be set down for a further hearing before this Commission on the 9th day of May, 1917, at 10 o'clock a. m., at the hearing room of the Commission in the city of Albany, at which time and place such further evidence and argument as either party hereto may desire the Commission to consider in reaching its final determination shall be presented to the Commission.

[Case No. 2583]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the grade crossing of Shatzell street over its tracks at Rhinecliff.

Ordered: 1. That the second intermediate accounting entered into by The New York Central Railroad Company with the Town of Rhinebeck and this Commission showing expenditures to the amount of \$10,332.22, including interest, properly and necessarily incurred in carrying out the Commission's order of March 16, 1916, in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$2045.81 has been expended by the railroad corporation, the sum of \$8058.78 has been expended by the Town of Rhinebeck, and the sum of \$227.63 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its treasurer, and by the Town of Rhinebeck as indicated by the signatures of its supervisor and two members of the town board.

2. That of the total amount of \$10,332.22 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$5166.12, the share of the Town of Rhinebeck is \$2583.05, and the share of the State of New York is \$2583.05; upon which it is entitled to the following credit: Paid on the first intermediate accounting \$1816.88, interest thereon to April 15, 1917, \$25.64, expended as aforesaid \$227.63: \$2070.15: leaving as a balance now due and payable by said State of New York from funds appropriated for the elimination of grade crossings the sum of \$512.90, of which \$486.03 shall be paid to The New York Central Railroad Company and \$26.87 to the Town of Rhinebeck.

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway, and the construction of an undergrade crossing.

The Buffalo, Rochester and Pittsburgh Railway Company having submitted to this Commission bids received for the structural steel work required to carry its tracks across Brown street in compliance with the Commission's

order in the matter above entitled, and requested that this Commission approve the proposal from the American Bridge Company of 5.4 cents per pound f. o. b. cars Buffalo, Rochester and Pittsburgh railway, Butler, Penna., corresponding to a price of 5.522 cents per pound f. o. b. cars Rochester; such approval being satisfactory to the City of Rochester, it is

Ordered: That the unit price proposal submitted by said American Bridge Company for the manufacture and delivery of the structural steel, of 5.4 cents per pound f. o. b. cars Butler, Penna., be and it is hereby approved.

[Case No. 5496]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

In the matter of the Petition of the INTERNATIONAL RAILWAY COMPANY under section 55, Public Service Commissions Law, for authority to issue \$505,000 in 5 per cent bonds under its refunding and improvement mortgage.

Amendatory
order.

By order herein dated May 4, 1916, the International Railway Company was authorized to issue and sell for not less than 88 per cent of their face value and accrued interest \$505,000 face value of 5 per cent 50-year refunding and improvement mortgage gold bonds, and to use the proceeds realized from such sale for the retirement of car trust certificates which matured during the calendar year 1916, and for estimated expenditures for additions and betterments during the same period. Verified reports filed by the company show that \$403,000 face value of such bonds have been issued and sold and the proceeds thereof used for the authorized purposes, and \$102,000 face value of such bonds have not been sold. Under date of March 31, 1917, the International Railway Company submitted a petition in case No. 5949 for authority to issue and sell for not less than 88 per cent of their face value \$1,458,717 face value of 5 per cent 50-year refunding and improvement mortgage gold bonds, and to use the proceeds thereof, together with proceeds to be realized from the sale of the aforesaid \$102,000 face value of bonds, for the retirement of car trust certificates which mature during the calendar year 1917, and for estimated expenditures for additions and betterments during the same period. By order therein dated April 24, 1917, the application of the company was granted. Now therefore, upon the foregoing record, it is

Ordered: That the International Railway Company is hereby authorized to apply the proceeds to be realized from the sale at not less than 88 per cent of their face value and accrued interest of \$102,000 face value of 5 per cent 50-year refunding and improvement mortgage gold bonds, which sale was authorized herein by order dated May 4, 1916, toward the purposes described in the order of even date herewith in case No. 5949, and it is directed to report the sale and the disposition of the proceeds of the aforesaid \$102,000 face value of bonds in the latter case.

[Case No. 5857]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the TRI-COUNTY NATURAL GAS COMPANY *against* PAVILION NATURAL GAS COMPANY as to failure of the last named company to furnish the first named company with sufficient natural gas as provided in the contract between them, and as to pressure at which it is furnished.

This Commission having heretofore and on the 27th day of February, 1917, made its order wherein and whereby it was directed that the respondent, Pavilion Natural Gas Company, should on or before the 10th day of March, 1917, set the outlet of the regulator at its LeRoy governor station, from which the supply of gas to the complainant, Tri-County Natural Gas Company, is delivered, at a pressure of fifteen pounds to the square inch; and the said respondent, Pavilion Natural Gas Company, having duly applied to this Commission for a further hearing, and said permission having been granted; and the matter having come on to be heard before Commissioner Barhite in Buffalo on the 20th day of April, 1917; and the complainant, Tri-County Natural Gas Company, and the respondent, Pavilion Natural Gas Company, having entered into a stipulation in the presence of said Commissioner to the effect that in case the Tri-County Natural Gas Company extends or attempts to extend its mains beyond the territory covered by its existing franchises, namely the town of Wheatland, including the village of Scottsville, New York; the town of Caledonia, including the village of Caledonia, New York; and the easterly portion of the town of LeRoy not now served by the lines of the Pavilion Natural Gas Company, then and in that case the Pavilion Natural Gas Company may apply to this Commission, on ten days' notice to the Tri-County Natural Gas Company, to vacate or modify the order of February 27, 1917; and that said order of February 27th shall remain in full force and effect until the hearing and determination upon the application to modify said order.

Ordered: That in case the Tri-County Natural Gas Company extends or attempts to extend its mains beyond the territory covered by its existing franchises, namely the town of Wheatland, including the village of Scottsville, New York; the town of Caledonia, including the village of Caledonia, New York; and the easterly portion of the town of LeRoy not now served by the lines of the Pavilion Natural Gas Company, then and in that case the Pavilion Natural Gas Company may apply to this Commission, on ten days' notice to the Tri-County Natural Gas Company, to vacate or modify the order of February 27, 1917.

Further Ordered: That the order of this Commission made in the above entitled proceeding on the 27th day of February, 1917, shall remain in full force and effect until the hearing and determination upon an application to vacate said order as aforesaid.

Further Ordered: That within ten days after the service of this order, the said Pavilion Natural Gas Company be and it hereby is required to notify this Commission, in writing, of the acceptance of this order and of said order of February 27, 1917, and whether or not the terms of both orders will be complied with.

268 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5909]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF LA-SALLE AND TONAWANDA against INTERNATIONAL RAILWAY COMPANY as to service rendered the public between Niagara Falls and LaSalle and Tonawanda.

The above entitled matter having come on to be heard before Commissioner Barhite at Buffalo on the 20th day of April, 1917, and the complainants, in writing, having requested the Commission for leave to withdraw the complaint,

Ordered: That the complaint in the above entitled proceeding be and the same is hereby withdrawn and the case is closed.

[Case No. 5940]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of IROQUOIS NATURAL GAS COMPANY and CHARLES B. FULLER under section 70 of the Public Service Commissions Law for consent to the transfer by sale of a natural gas plant owned by Charles B. Fuller to the Iroquois Natural Gas Company.

The Iroquois Natural Gas Company and Charles B. Fuller having duly made their petition asking the consent of this Commission for the transfer from said Charles B. Fuller to the Iroquois Natural Gas Company of the gas plant of said Fuller situated in the town of Hamburg, Erie county, New York: the said plant consists of gas wells, gas leases, rights of way, piping, fitting, machinery, and tools connected therewith, as shown in schedule 1 attached to said petition; and due and lawful notice of a public hearing on said petition having been made, and proof of said notice having been filed with this Commission; and the facts concerning said transfer having been heard by Commissioner Barhite in the city of Buffalo on the 20th day of April, 1917, it is

Ordered: That the consent of this Commission be and the same is hereby granted to the petitioner, Charles B. Fuller, to transfer to the petitioner, Iroquois Natural Gas Company, the gas plant owned by said Fuller and situated in the town of Hamburg, Erie county, New York, which said gas plant consists of gas wells, gas leases, rights of way, piping, fitting, machinery, and tools connected therewith, as shown in schedule 1 attached to said petition, for the sum of \$4500, which said sum this Commission deems a fair and reasonable price for the plant transferred.

[Case No. 5947]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of STANDARD LIGHT, HEAT AND POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Guilford, Chenango county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of rights and privileges under a franchise therefor received from said town.

Petition filed March 23, 1917; affidavit of publication of notice of application filed April 20, 1917; hearing held at the office of the Commission in the city of Albany, N. Y., April 17, 1917. Appearance, Mr. H. C. Hopson for the petitioner. The Standard Light, Heat and Power Company desires permission to exercise a franchise granted by the town board of the Town of Guilford, Chenango county, on January 17, 1917, and to build a transmission line and distribution system in said town in order to furnish the inhabitants therein with electricity for lighting, heating, and power purposes. Among other things, the exercise of this franchise will enable the corporation to connect its lines with the system of The Norwich Gas and Electric Company, and enable the latter company to obtain surplus power from the petitioner. It is expected that this new construction will begin during the coming Summer. The Commission having determined that public convenience and necessity require the construction, maintenance, and operation of an electric plant in the town of Guilford, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Standard Light, Heat and Power Company to construct, maintain, and operate an electric plant in the town of Guilford, Chenango county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Guilford on January 17, 1917, subject to all the terms and conditions therein set forth.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 5949]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of April, 1917.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of INTERNATIONAL RAILWAY COMPANY under section 55, Public Service Commissions Law, for authority to issue \$1,458,717 in 5 per cent bonds under its refunding and improvement mortgage, and to use \$102,000 of said bonds authorized last year.

Petition filed March 31, 1917; report of division of steam railroads dated April 6, 1917; report of division of capitalization dated April 9, 1917; hearing held April 23, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the International Railway Company is hereby authorized to issue \$1,458,700 face value of its 5 per cent 50-year refunding and improvement mortgage gold bonds under a certain indenture dated November 1, 1912, given to the Bankers Trust Company as trustee, to secure an authorized issue of a total face value of \$60,000,000.

2. That said bonds of the total face value of \$1,458,700 may be sold for not less than 88 per cent of their face value and accrued interest to give net proceeds of at least \$1,283,656.

3. That said bonds of the total face value of \$1,458,700 so authorized, or the proceeds thereof to the amount of not less than \$1,283,656, together with the proceeds to be realized from the sale at not less than 88 per cent of their face value and accrued interest of \$102,000 face value of 5 per cent 50-year refunding and improvement mortgage gold bonds authorized to be issued by order in case No. 5496, dated May 4, 1916, aggregating not less than \$89,760, the sale and disposition of which is to be reported in this case in accordance with the requirements of an order dated April 24, 1917, in case No. 5496, shall be applied solely and exclusively toward the following purposes:

(a) To refund car trust certificates maturing during the year 1917 as follows:

March 1st	\$12,000	
September 1st	13,000	
		\$25,000.00

(b) For estimated expenditures for additions and betterments during the calendar year 1917, as detailed in schedule A attached to the petition herein, or in the event of any necessary change or changes in the present plans of the petitioner for expenditures for additions and betterments to its road and equipment other than those listed in such schedule which are properly capitalizable.....

1,535,717.83
\$1,560,717.83

Amount unprovided for..... \$187,301.83

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on the construction described in subdivision (b) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Street Railroad Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction or other improvements to the fixed capital of the petitioner except in so far as the same shall not be performed by the regular officers and employees of the company, or by such

officers and employees who have been especially assigned to such construction work.

4. That if the said bonds of a total face value of \$1,560,700 (which includes the \$102,000 face value of bonds authorized to be issued by order in case No. 5496 transferred hereto by order dated April 24, 1917, in that case) shall be sold at such price as will enable the company to realize net proceeds of more than \$1,560,717.83, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the International Railway Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

6. That the International Railway Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) with respect to subdivision (a) of ordering clause 3 herein there shall be shown the amount expended therefor during such period and stating to what account or accounts such expenditures have been charged; (f) with respect to subdivision (b) of ordering clause 3 herein there shall be shown (1) in detail the amount expended during such period of the proceeds of the bonds herein authorized and the account or accounts under the Uniform System of Accounts for Street Railroad Corporations to which such expenditures have been charged, giving all the details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for such purpose during the period covered by the report; (3) a summary showing the distribution by accounts provided in the Uniform System of Accounts of the expenditures during such period. In reporting under subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds thereof expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days from the service hereof the said company shall file with this Commission a satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

272 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2674]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of ORANGE COUNTY LIGHTING COMPANY for authority pursuant to the provisions of section 69 of the Public Service Commissions Law to issue \$34,500 in fifteen-year convertible bonds. Supplemental order.

By order herein dated August 19, 1913, the Orange County Lighting Company was authorized to issue and sell for not less than their face value \$40,000 face value of 6 per cent 15-year convertible mortgage bonds, and to use the proceeds realized from their sale "for the reimbursement of the treasury for expenditures from income or other moneys in the treasury of said corporation not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness having a maturity of greater than one year from the date of issue thereof". According to verified reports filed herein in accordance with the requirements of the aforesaid order, it appears that none of the bonds so authorized have yet been issued. Under date of March 28, 1917, the Orange County Public Service Corporation, in case No. 5155, was authorized to issue and sell its securities and to use the proceeds for the purchase of the property and assets of several corporations, including the Orange County Lighting Company. Now, therefore, as the further financing of the Orange County Lighting Company property will be carried on by the Orange County Public Service Corporation, it is

Ordered: That the order in this proceeding dated August 19, 1913, is hereby vacated and this case closed upon the records of the Commission.

[Case No. 3457]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MURRAY ELECTRIC LIGHT AND POWER COMPANY for authority pursuant to the provisions of section 69 of the Public Service Commissions Law to issue bonds. Supplemental order.

By order herein dated August 19, 1913, the Murray Electric Light and Power Company was authorized to issue and sell for not less than their face value \$50,000 face value of 6 per cent first mortgage gold bonds, and to use the proceeds realized from their sale for organization expenses, discharge of indebtedness, extensions and improvements to its plant and property, etc., as set forth in clause 3 of said order. According to verified reports filed herein in accordance with the requirements of the aforesaid order, it appears that \$33,000 face value of such bonds have been issued and the proceeds realized

from their sales have been accounted for, leaving an unissued balance of \$17,000 face value. Under date of March 28, 1917, the Orange County Public Service Corporation, in case No. 5155, was authorized to issue and sell its securities and to use the proceeds for the purchase of the property and assets of several corporations, including the Murray Electric Light and Power Company. Now, therefore, as the further financing of the Murray Electric Light and Power Company property will be carried on by the Orange County Public Service Corporation, it is

Ordered: That the order in this proceeding dated August 19, 1913, is hereby modified and amended to authorize the issuance at not less than their face value of \$33,000 face value of 6 per cent first mortgage gold bonds maturing January 1, 1943, and the use of the proceeds thereof for the discharge of outstanding indebtedness, extensions and improvements to its plant and property, etc.; and the authorization in addition thereto to issue and sell \$17,000 face value of bonds and to use the proceeds realized from their sale is hereby vacated.

[Case No. 4177]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CAER,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the ORANGE COUNTY LIGHTING COMPANY for authority under section 69 of the Public Service Commissions Law to issue \$73,400 15-year convertible 6 per cent bonds. Supplemental order.

By order herein dated April 7, 1914, the Orange County Lighting Company was authorized to issue and sell for not less than their face value \$73,400 face value of 6 per cent 15-year convertible mortgage bonds and to use the proceeds realized from their sale for extensions and improvements as set forth in clause 3 of said order. According to verified reports filed herein in accordance with the requirements of said order, it appears that \$7500 face value of such bonds have been issued and the proceeds realized from their sales have been accounted for, leaving an unissued balance of \$65,900 face value. Under date of March 28, 1917, the Orange County Public Service Corporation, in case No. 5155, was authorized to issue and sell its securities and to use the proceeds for the purchase of the property and assets of several corporations, including the Orange County Lighting Company. Now, therefore, as the further financing of the Orange County Lighting Company property will be carried on by the Orange County Public Service Corporation, it is

Ordered: That the order in this proceeding dated April 7, 1914, is hereby modified and amended to authorize the issuance at not less than their face value of \$7500 face value of 6 per cent 15-year convertible mortgage bonds and the use of the proceeds thereof for the improvement of the petitioner's facilities for supplying gas and construction of its new water gas plant; and the authorization in addition thereto to issue and sell \$65,900 face value of bonds and to use the proceeds realized from their sale is hereby vacated.

[Case No. 4877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the use of oil-burning locomotives by
the GRASSE RIVER RAILROAD CORPORATION.

The Grasse River Railroad Corporation, by its president, W. L. Sykes, having personally on April 24, 1917, requested a further postponement from April 25, 1917, to April 30, 1917, of the effective date of the order of this Commission requiring the use of oil-burning locomotives within the Adirondack Forest Preserve, since the weather and snow conditions within said Preserve eliminate any danger of fires being started; and the Conservation Commission having stated by letter dated April 25, 1917, that it has no objection to such extension, it being permissible on account of weather conditions and snow on the ground; now therefore

Ordered: That permission be and hereby is given the Grasse River Railroad Corporation to use coal-burning locomotives upon its railroad between the hours of 8 a. m. and 8 p. m., until 8 p. m. of April 30, 1917, with the understanding that the use of said coal-burning locomotives will be discontinued and oil-burning locomotives substituted therefor within 24 hours of receipt of notice from this Commission so to do.

[Case No. 5510]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the hearing before both Commissions as to the regulations, practices, and service of THE LONG ISLAND RAILROAD COMPANY with respect to train crews on all trains operated by electricity as a motive power in the transportation of passengers.
[First District case No. 2016.]

Joint order
after
rehearing.

A hearing and rehearing having been duly had by and before the Commissions in the above entitled matter; and the Commissions being of the opinion from a careful consideration of the evidence, including that presented on the rehearing, that certain regulations and practices of The Long Island Railroad Company upon the various lines of railroad operated by said company with electricity as a motive power in respect to the transportation of passengers within the State are unsafe, improper, and inadequate, and that changes in such regulations and practices in the particulars following ought reasonably to be made in order that the service of said company shall be safe, proper, and adequate; and the Commissions having determined also that

all passenger cars used in multiple unit trains operated on said lines of railroad within the State should be equipped as hereinafter provided, in order to promote the security and convenience of the public, and in order to secure adequate service and facilities for the transportation of passengers; and it appearing to both Commissions that in respect of the above mentioned subject matter separate jurisdiction has not been conferred, and that the determination herein should be by joint order;

Ordered: 1. That all passenger cars now or hereafter used and operated in multiple unit trains by The Long Island Railroad Company shall be equipped with vestibule doors or platform gates, and with trap-doors which when lowered shall properly cover the steps thereunder, and be at a level with the remainder of the car platform.

2. That trap-doors shall be kept lowered at all times except at or between any consecutive stations at which the station platforms are approximately at the level of the rails; that no gates, vestibule doors, or trap-doors shall be opened until the train has come to a full stop at a station; that all gates, vestibule doors, and trap-doors shall be closed before a train is started from any station at which such closing of gates, vestibule doors, or trap-doors is herein required.

3. That there shall be an employee stationed between each two adjoining passenger cars who shall open and close the platform gates or vestibule doors on the station platform side of the train at each high station platform, and open and close said platform gates or vestibule doors and the trap-doors on the station platform side of the train at such stations at which the station platform is approximately at the level of the rails, excepting as hereinbefore provided in subdivision 2 hereof; that no gates, vestibule doors, or trap-doors shall be opened on other than the station platform side of trains; that no gates, vestibule doors, or trap-doors shall be opened or closed by any person other than an employee of the company authorized so to do.

4. That the said company shall make and enforce proper rules to make this order effective.

5. That this order shall take effect on May 1, 1917, and shall continue in force until changed or abrogated by further order of the Commissions.

6. That this order shall supersede and take the place of the original order herein adopted by both Commissions on or about April 20, 1916.

7. That the order of the Public Service Commission for the First District in case No. 1192, adopted on the 5th day of April, 1910, as amended by order adopted on the 7th day of June, 1910, be and the same hereby is in all things abrogated.

[Case No. 5702]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CAER,
JOHN A. BAEHITE,
Commissioners.

In the matter of the Petition of CANISTEO LIGHT AND POWER COMPANY, INC., under section 68, Public Service Commissions Law, for permission to construct in the incorporated village of Canisteo, Steuben county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received by Charles A. Larrowe from said village, consent to transfer of this franchise to the company being asked; also under section 69 for consent to execute a first mortgage and to issue \$10,000 in bonds to be secured thereby.

Petition filed September 8, 1916; hearing held November 27, 1916; amended petition filed November 29, 1916; order entered December 12, 1916; report of division of light, heat, and power dated December 30, 1916; form of mortgage filed March 26, 1917; report of division of capitalization dated April 23, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the issuance at par during the period from August 8 to October 1, 1916, inclusive, by the Canisteo Light and Power Company, Inc., of its capital stock aggregating \$10,000 par value, and the use of the proceeds thereof toward the construction and equipment of the petitioner's property and facilities, are hereby authorized *nunc pro tunc*.

2. That the Canisteo Light and Power Company, Inc., is hereby authorized to execute and deliver to Charles A. Larrowe as trustee, a certain indenture, deed of trust, or mortgage upon all its plant and property, to secure an issue of \$25,000 first mortgage serial gold coupon bonds, \$1000 of which bonds mature annually, beginning in 1922, bearing interest at the rate of 6 per cent per annum, payable on the first days of April and October in each year, a copy of which mortgage has been filed with this Commission herein on March 26, 1917, and that the form of such indenture so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by this Commission.

3. That upon the execution and delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by this Commission.

4. That the Canisteo Light and Power Company, Inc., is hereby authorized to issue \$10,000 face value of its 6 per cent first mortgage bonds under the aforesaid mortgage.

5. That said bonds of the total face value of \$10,000 shall be sold for not less than 95 per cent of their face value and accrued interest to give net proceeds of at least \$9500.

6. That said bonds of the face value of \$10,000 so authorized, or the proceeds thereof to the amount of \$9500, shall be used solely and exclusively for the extensions and improvements to the plant and distributing system of the petitioner, as follows:

(a) 1 Diesel direct connected oil engine unit, generator 160-kw., exciter, switchboard, and instruments.....	\$8,000.00
(b) Fleming-Harrisburg steam engine, direct connected to 100-kva. 3-phase, 60-cycle, 2300-volt generator, exciter, switchboard, instruments, etc., installed.....	8,000.00
(c) 150 35-ft. poles in village of Canisteo, including crossarms; 5000 lbs. No. 6 T.B. W.P. wire, 500 lbs. No. 8 T.B. W.P. wire, for 3-phase power circuits and street lighting circuits; 95 street lights with hoods, brackets, etc., complete; 12 Boulevard lamp posts complete; 2200 ft. No. 6 2500-volt armored cable.....	5,000.00
(d) 3-phase, 2300-volt meters, including current and potential transformers for power consumers.....	400.00
(e) Distribution system, transformers and devices, service wires, meters and meter installation.....	3,100.00
	<hr/>
	\$19,500.00
Less proceeds realized from sale of \$10,000 of capital stock to be applied toward the cost of such purposes, the use of which proceeds has been herein ratified by this Commission.....	10,000.00
	<hr/>
	\$9,500.00

in so far as the same may be applicable, provided (1) that such securities or the proceeds thereof shall be applied on such new construction summarized in subdivisions (a) to (e) inclusive hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the par and face value of the securities herein authorized, no portion of the proceeds of the securities herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission.

7. That if the bonds of a total face value of \$10,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$9500, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Canisteo Light and Power Company, Inc., unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Canisteo Light and Power Company, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the bonds herein authorized and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary showing the expenditures during such period by the prescribed

accounts. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

10. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money procured and to be procured by the issue of said stock herein authorized *nunc pro tunc* and bonds was and is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5721]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of SHIPPERS OF APPLES AND PEARS FROM RED HOOK, Dutchess county, and other points on the C. N. E. Ry., against CENTRAL NEW ENGLAND RAILWAY COMPANY and THE NEW YORK CENTRAL RAILROAD COMPANY as to withdrawal of joint rates for shipments of apples and pears in carloads from Red Hook and other points to Barclay Street dock, New York city.

This case having come on for hearings before the Commission, and it appearing from the stenographer's records of these hearings that the respondent has voluntarily offered to establish joint rates which will involve a great saving to complainants over present rates on shipments of apples, pears, and other fruits from Red Hook, LaGrange, and other fruit shipping points on its line in Dutchess county, via Beacon and the New York Central railroad, to New York Central railroad deliveries in New York city, including Barclay Street station; and it appearing further than in so far as shipments of fruit to New York city over the New York Central railroad are concerned, the proposed new joint rate is reasonably acceptable to the complainants, who have however expressed the desire to secure a joint rate also between the respondent and the Central Hudson Steamboat Company, so that cheaper shipments by boat from Beacon to New York city may be facilitated, and for this reason desire the Commission to order a reduction in local rates on the Central New England railway from its Dutchess County stations to Beacon; and the Commission being of the opinion, no complaint whatsoever having been made and no evidence introduced concerning these existing local rates as such, that a reduction in these rates at this time would necessarily not be based, at least so far as the proof in this case shows, upon a local need for lower rates from Dutchess County points to Beacon, but only upon complainants' desire for a lower joint rate to New York city over the Central New England railway and the Central Hudson Steamboat Company; and the

Commission believing that this last mentioned phase of the situation is one upon which, under the present law, it obviously has no right to pass judgment, involving as it does, in part at least, the consideration of rates of water transportation companies over which the Commission is entirely without jurisdiction; now, therefore, it is hereby

Ordered: That this complaint be and the same hereby is closed upon the records of the Commission, upon the distinct understanding however that the respondent will immediately establish the proposed joint rates, in cents per one hundred pounds, to apply on shipments packed in barrels, boxes, hampers, or other suitable containers, in connection with the New York Central railroad via Beacon, N. Y., to New York city stations of The New York Central Railroad Company, which said rates were agreed to by said respondent at the hearing of this case before the Commission on April 16, 1917; and upon the further understanding that if such joint rates shall not be promptly established, or even after their establishment if the new rates shall hereafter prove to be unduly or unfairly burdensome, the situation presented in this case, in so far as it relates to shipments to New York city over the Central New England railway and the New York Central railroad, may be made the subject of further complaint to this Commission by any aggrieved person or corporation.

[Case No. 5874]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of CLINTON, N. Y.,
BOARD OF TRADE against NEW YORK TELEPHONE COMPANY as to rates.

Complaint having been made against New York Telephone Company by Clinton, N. Y., Board of Trade, as to rates proposed to be charged for telephone service in said village; and the complaint having been served and answer filed by the telephone company; and a public hearing having been held in the city of Utica on April 20, 1917, after due notice, at which hearing Leo O. Coupe appeared for complainants and George R. Grant for respondent; and attorney for complainants having stated that complainants had requested him to announce that the complaint was withdrawn, it is

Ordered: That the case be and it hereby is closed on the records of the Commission.

[Case No. 5880]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARNETT,
Commissioners.

In the matter of the FONDA, JOHNSTOWN AND GLOVERSVILLE RAILROAD COMPANY'S proposed new local and joint, in connection with the Schenectady Railway Company, passenger fares and charges, and regulations and practices affecting such fares and charges.

On January 17, 1917, the Fonda, Johnstown and Gloversville Railroad Company filed with this Commission a passenger tariff and passenger tariff supplement containing schedules setting forth new local and joint fares and charges, and regulations and practices affecting such fares and charges, to become effective February 16, 1917, as follows: Fonda, Johnstown and Gloversville Railroad Company, in connection with Schenectady Railway Company, joint tariff naming passenger fares, one-way and round-trip, P. S. C., 2 N. Y., No. 334; Fonda, Johnstown and Gloversville Railroad Company, electric division, supplement No. 6 to local and interdivision passenger tariff P. S. C., 2 N. Y., No. 150. Supplement No. 6 to P. S. C., 2 N. Y., No. 150, was intended to provide for an increase of five cents in the fare between the cities of Amsterdam and Schenectady on the lines of the Fonda, Johnstown and Gloversville railroad, and the tariff P. S. C., 2 N. Y., No. 334, was filed so that the through fares of the Fonda, Johnstown and Gloversville Railroad to points on the lines of the Schenectady Railway Company would provide for the aforesaid increase and cover certain new fares proposed by the Schenectady Railway Company on its Troy and Saratoga divisions. Subsequent to the filing of these tariffs, numerous complaints against the proposed increases were filed with the Commission, and thereafter, to wit on January 25, 1917, it made an order providing for a suspension of said tariffs until April 15, 1917, pending its investigation into said proposed increases. On April 12, 1917, the Commission made another order still further suspending said tariffs until May 15, 1917.

On March 8, 1917, a hearing was held at the office of the Commission in the city of Albany, N. Y., at which time Messrs. Baker, Burton, and Baker of Gloversville, N. Y., appeared for the Fonda, Johnstown and Gloversville Railroad Company; and Frank H. Deal appeared as attorney for Schenectady Council, No. 504, United Commercial Travelers of America. At the said hearing evidence was introduced on behalf of the respondent railroad company in support of said increased fares as between Amsterdam and Schenectady; and since said hearing there has been filed with the Commission by the corporation additional data with reference to its operations. There was some opposition at the hearing to the increases proposed, but Mr. Deal, who appeared on behalf of the Commercial Travelers, practically withdrew such opposition on April 2, 1917, and suggested that the entire matter be left for determination by the Commission.

From an examination which has been made by the Commission into the affairs of the corporation it satisfactorily appears that the proposed increases are reasonable and will not be unduly burdensome on the public, and will not result in giving the corporation more than a fair return on its investment employed in the public service. The present fare on the New York Central railroad between Schenectady and Amsterdam is thirty-two cents, and the proposed rate on the respondent railroad will be thirty cents between the same points. The respondent gives half-hourly service between these two

points during the day, and it was stated at the hearing that such service was excellent. While the proposed increase only applies on that part of the line between Amsterdam and Schenectady, yet it will to that extent of course increase the fares to other more distant points on the lines of the corporation west and north of Amsterdam. The total increase involved, however, is five cents on one-way fares between Amsterdam and Schenectady. This is accomplished by creating one more five-cent fare zone between the two cities.

The other tariff which was suspended relates to through fares over the lines of the respondent and the Schenectady Railway Company, and covers not only the proposed increase between Amsterdam and Schenectady but the increases which the Schenectady Railway Company proposes to make between Schenectady and Troy and Schenectady and Ballston Spa. No determination having been made by the Commission as to the increases proposed on the interurban divisions of the Schenectady Railway Company, it will be necessary that the tariff under suspension relating to the through fares above mentioned be canceled, and another one filed providing for joint rates embodying the present fares on the Schenectady railway plus the increase proposed on the Amsterdam division of the respondent. Under the circumstances, we are of the opinion that the creation of a new five-cent zone between Amsterdam and Schenectady as proposed by the respondent, resulting in an increase of five cents in the fare between Amsterdam and Schenectady for single-trip tickets or one-way fares between those points, is justified, and the corporation should be permitted to put the same into effect at an early date. It is therefore

Ordered: 1. That the orders heretofore entered in this proceeding dated January 25, 1917, and April 12, 1917, suspending the operation of supplement No. 6 to respondent's local and interdivision passenger tariff P. S. C., 2 N. Y., No. 150, and deferring the use of the fares contained therein, be and the same are hereby vacated and set aside as of May 1, 1917; and that said respondent be and it is hereby authorized to post and file, in accordance with the requirements of the Public Service Commissions Law and the regulations of the Commission established thereunder, effective May 1, 1917, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 150, said supplement to contain notice of this vacating order and provide that supplement No. 6 to its said tariff P. S. C., 2 N. Y., No. 150, will be in full force and effect on and after May 1, 1917.

2. That said respondent be and it is hereby required to cancel its passenger tariff P. S. C., 2 N. Y., No. 334, as of May 1, 1917; and that said respondent be and it is hereby authorized to post and file, in accordance with the requirements of the Public Service Commissions Law and the regulations of the Commission established thereunder, effective May 1, 1917, a joint passenger tariff applying in connection with the Schenectady Railway Company, and provide therein fares to apply for the sale of tickets from points on said respondent's line to Albany, Troy, and Ballston Spa on the line of the Schenectady Railway Company, said joint fares to be no higher than those resulting from a combination of said respondent's local fares to Schenectady and the Schenectady Railway Company's fares from Schenectady to said destinations in force and effect on May 1, 1917.

[Case No. 5911]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY under section 55, Public Service Commissions Law, in regard to "The New York, Chicago and St. Louis Railroad Equipment Trust of 1917".

Superseding
order.

Petition filed February 19, 1917; report of division of steam railroads dated March 19, 1917; report of division of capitalization dated March 20, 1917; order entered March 22, 1917; supplemental petition filed April 26, 1917. By order herein dated March 22, 1917, The New York, Chicago and St. Louis Railroad Company was authorized to execute an agreement dated March 1, 1917, and an agreement of lease of equipment, and to issue under said agreement and sell, for not less than 95 per cent of their face value and accrued interest, \$3,800,000 face value of its 4½ per cent 15-year equipment trust certificates of 1917, and to apply the proceeds realized from such sale toward the cost of the new rolling stock described in said agreement of lease of equipment. Under date of April 26, 1917, the company submitted a petition for permission to execute, instead of the aforesaid agreements, an agreement to be dated May 1, 1917, and an agreement of lease of equipment, and to issue thereunder and sell, for not less than 90 per cent of their face value and accrued interest, \$3,800,000 face value of its 5 per cent 15-year equipment trust of 1917 sinking fund certificates, and to apply the proceeds realized from such sale toward the cost of the identical equipment for which the certificates authorized herein on March 22, 1917, or their proceeds, were authorized to be used. The petitioner states that it will be much more advantageous to it in every way to issue the certificates prayed for in the petition filed on April 26, 1917, upon the terms and in the manner set forth therein, rather than in the form and under the conditions authorized in the aforesaid order herein. Now therefore, upon the foregoing record,

Ordered as follows: 1. That this order supersedes the previous order entered herein on the 22nd day of March, 1917.

2. That The New York, Chicago and St. Louis Railroad Company is hereby authorized to execute and deliver a certain agreement to be dated May 1, 1917, with Otto Miller, William D. Turner, and J. Grant Alexander, as vendors, and The Citizens Savings and Trust Company of Cleveland, Ohio, as trustee, and a certain agreement of lease with The Citizens Savings and Trust Company, trustee, to be called "The New York, Chicago and St. Louis Railroad Equipment Trust of 1917," to secure an issue of \$3,800,000 face value of fifteen-year equipment trust certificates to be known as "The New York, Chicago and St. Louis Railroad Equipment Trust of 1917 Sinking Fund Certificates," bearing interest at the rate of 5 per cent per annum, payable semiannually on the first days of May and November in each year, and that the forms of the aforesaid agreement and agreement of lease, filed in this case as exhibit K, are hereby approved.

3. That upon the execution and delivery of said agreement and agreement of lease herein authorized there shall be filed with this Commission verified copies of the same in the forms in which they were executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the agreement and agreement of lease as executed and delivered are the same as herein approved by the Commission.

4. That said equipment trust certificates of the total face value of \$3,800,000 may be sold at not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$3,420,000.

5. That said equipment trust certificates herein authorized of the total face value of \$3,800,000, or the proceeds thereof, shall be applied solely and exclusively toward the purchase of the equipment set forth in the lease hereinbefore approved, as follows: 10 Mikado freight locomotives, Nos. 500 to 509 inclusive; 25 Mikado freight locomotives, Nos. 510 to 534 inclusive; 10 6-wheel switch locomotives, Nos. 60 to 69 inclusive; 1000 steel underframe automobile box cars, 80,000 pounds capacity, Nos. 18000 to 18999; 750 composite hopper cars, 110,000 pounds capacity, Nos. 30000 to 30749 inclusive: estimated cost of equipment which is covered by lease, \$4,280,000. Net proceeds from sale of certificates herein authorized, \$3,420,000; balance of required cash to be provided from the treasury of the petitioner, \$860,000: \$4,280,000.

6. That if the said certificates of a total face value of \$3,800,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$3,800,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

7. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by The New York, Chicago and St. Louis Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That The New York, Chicago and St. Louis Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what certificates have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such certificates were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds of the certificates herein authorized for the purpose specified herein and the account or accounts to which such expenditures have been charged. Such reports shall continue to be filed until all of said certificates shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no certificates were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said certificates herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5957]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of J. FRANKLIN HYDE for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Rome, it being proposed that the route shall also be operated between Rome and Sylvan Beach on Oneida lake. Also Supplemental Petition as to operation in the city of Oneida.

J. Franklin Hyde asks for a certificate of convenience and necessity for the operation of a stage route by auto busses over certain streets in the cities of Rome and Oneida as a part of a route between Rome and Sylvan Beach on Oneida lake. The consent of the municipal authorities of the City of Rome was granted March 8, 1917, and of the municipal authorities of the City of Oneida April 3, 1917, subject to certain terms and conditions. A public hearing was held in Utica April 20, 1917, at which S. E. Spinning appeared for the applicant; Howard W. Taylor and B. E. Tilton for the New York State Railways; and Stoddard M. Stevens for Jacob Siegel and C. Stuart Myers. It appeared in said hearing that no passengers are to be carried from point to point within the tax district of the city of Rome nor within the city of Oneida. It further appeared that it is the intention of the applicant to carry freight and baggage in trailers, and applicant stated that if this should appear to be dangerous and complaint be made he would be willing to discontinue it. The applicant also agreed, in the event of a change in either passenger or freight rates, to file with the Commission a statement of the new rates. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by J. Franklin Hyde of an auto bus line as provided in the consents heretofore granted by the municipal authorities of the cities of Rome and Oneida, copies whereof are attached to the petition herein, from the point of intersection of James and Dominick streets to the Oswego road; thence in a southwesterly direction along the Oswego road to the boundary line separating the city of Rome from the town of Verona. Also, commencing at a point at the intersection of James and Dominick streets and running thence southerly along South James street to a point where what is known as the Rome and Verona road intersects, which point is nearly opposite the Rome Custodial Asylum; thence in a westerly direction along the Rome and Verona road to the boundary line separating the city of Rome from the town of Verona. Also by the usually traveled route through the city of Oneida to the bridge on Sconondoa street over the Oneida creek. No passengers shall be carried locally from point to point within the tax district of the city of Rome nor within the city of Oneida; nor shall the use of trailers be permitted within the city limits of the cities of Rome or Oneida. It is understood that in the event of a change in either passenger or freight rates a statement of new rates will be filed with the Commission. This certificate is granted subject to all the terms and conditions of the consents hereinabove mentioned, and subject to present and future ordinances of the City of Rome and of the City of Oneida, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5958]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of **ROME AND BOENVILLE AUTO-BUS COMPANY, INC.**, under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Rome, it being proposed the route shall also be operated between Rome and the incorporated village of Boonville, Oneida county.

The Rome and Boonville Auto-Bus Company, Inc., asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Rome as a part of a route to be operated between Rome and the village of Boonville. The consent of the City of Rome was granted March 8, 1917, subject to certain terms and conditions. A public hearing was held in Utica April 20th, at which Johnson D. McMahon appeared for the applicant; Edward L. O'Donnell for the Rome and Northern Auto-Bus Company, Inc.; and Howard W. Taylor and B. E. Tilton for the New York State Railways. It appeared in said hearing that no passengers or freight were to be carried from point to point within the tax district of the city of Rome, and that the minimum fare for passengers was to be maintained at fifteen cents. It further appeared that the regular route would be on North James street in the city of Rome in one direction, returning by way of Turin road and Madison street to Dominick street. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Rome and Boonville Auto-Bus Company, Inc., of an auto bus line as provided in the consent heretofore granted by the City of Rome, a copy whereof is attached to the petition herein, over Dominick street in the city of Rome, along and upon North James street to the northerly line of the city of Rome, and thence along the state road to North Western; thence along the main traveled route from North Western to Boonville; and over Dominick street in the city of Rome, along and upon North George street and Turin street to the northerly line of the city of Rome; to be operated only as a part of a line from the city of Rome to the incorporated village of Boonville, but not to carry passengers from point to point within the tax district of the city of Rome; the fare to be charged passengers to be not less than fifteen cents. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Rome and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5959]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of ALBERT F. WARNER under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Watertown, it being proposed the route shall also be operated between Watertown and the incorporated village of Adams, Jefferson county.

Albert E. Warner asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Watertown as a part of a route to be operated between Watertown and the incorporated village of Adams, Jefferson county. The consent of the common council of the City of Watertown was granted December 5, 1916, subject to certain terms and conditions, and approved by the mayor December 6, 1916. A public hearing was held in the city of Utica April 20, 1917, at which the petitioner appeared in person and no one appeared in opposition. The applicant stated that no passengers would be carried from one point to another point within the city of Watertown. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Albert E. Warner of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Watertown, a copy whereof is attached to the petition herein, over Public Square and Washington street, to be operated only as a part of a line from the city of Watertown to the incorporated village of Adams, but not to carry passengers locally from one point to another point within said city of Watertown. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Watertown and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5963]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue 4½ per cent refunding and improvement mortgage bonds to the amount of \$10,000,000.

Petition filed March 30, 1917; report of division of steam roads dated April 20, 1917; hearing held April 20, 1917; report of division of capitalization dated April 20, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The New York Central Railroad Company is hereby authorized to issue \$10,000,000 face value of its 4½ per cent refunding and improvement mortgage bonds, series A, under a certain indenture, deed of trust, or mortgage dated October 1, 1913, given to the Guaranty Trust Company of New York as trustee.

2. That said bonds of the total face value of \$10,000,000 may be sold for not less than 93½ per cent of their face value and accrued interest to give net proceeds of at least \$9,350,000.

3. That said bonds of the face value of \$10,000,000 so authorized, or the proceeds thereof to the amount of at least \$9,350,000, shall be used solely and exclusively for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for capitalization purposes from January 1, 1915, to January 31, 1917, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation..... \$7,778,503.23

(b) For additions and betterments made or to be made during the calendar year 1917 or subsequently to the following lines of the petitioner as detailed in schedules A and B filed with the papers herein:

New York Central Railroad.....	\$2,938,820.59	
West Shore Railroad	28,974.32	
New Jersey Junction Railroad.....	124,673.92	
		<u>3,092,468.83</u>
		<u>\$10,870,972.06</u>

Amount unprovided for..... \$1,520,972.06

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such additions and betterments summarized in subdivision (b) hereof only in so far as the same is a real increase in the road and equipment of the petitioner and not a replacement of any part of such road and equipment or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Classification of Investment in Road and Equipment of Steam Roads adopted by this Commission; (2) that there shall be no charges to road and equipment on account of engineering services in connection with such additions and betterments unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such additions and betterment work; (3) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of the bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission.

4. That if the said bonds of a total face value of \$10,000,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$10,870,972.06, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by The New York Central Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That The New York Central Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used during such period of the proceeds of the bonds herein authorized for subdivision (a) of clause 3 of this order; (g) in detail the

amount expended during such period of the proceeds of the bonds herein authorized for subdivision (b) of clause 3 of this order, and the account or accounts under the Classification of Investment in Road and Equipment of Steam Roads to which the expenditures therefor have been charged, giving all details of any credits to road and equipment in connection with such expenditures; (h) a summary showing the expenditures during such period for said last mentioned purpose by the prescribed accounts. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended or used the report shall set forth such fact.

7. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and affairs of the petitioner herein shall have been concluded and the corrections if any which are found necessary by reason of such examination shall have been made in the accounts of said company.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days from the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5965]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of April, 1917.**Present:**SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of THE LONG ISLAND RAILROAD COMPANY and THE PENNSYLVANIA RAILROAD COMPANY (1) under section 64, Stock Corporation Law, for approval of increase of capital stock (common) of Long Island Company from \$12,000,000 to \$40,000,000; (2) under section 55, Public Service Commissions Law, for authority to Long Island Company to issue not to exceed \$25,477,853.88 of said increased stock; (3) under section 55, Public Service Commissions Law, for authority to Long Island Company to issue \$5,202,100 in 5 per cent debenture bonds; (4) under section 54, Public Service Commissions Law, for authority to The Pennsylvania Railroad Company to acquire and hold all or part of the existing common capital stock of the Long Island Company as the Pennsylvania does not now hold, and to acquire and hold all or part of the said new stock of the Long Island proposed to be issued.

Petition filed March 30, 1917; report of division of capitalization dated April 25, 1917; hearing held April 25, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Long Island Railroad Company is hereby authorized to issue \$5,202,100 face value of its 5 per cent 20-year debentures which may be sold for not less than their face value and accrued interest to give net proceeds of at least that sum.

2. That The Long Island Railroad Company is hereby authorized to issue \$22,110,250 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That said debentures and stock of the total face and par value of \$27,312,350, or the proceeds thereof, shall be used solely and exclusively for the following purposes:

(a) For the refunding on the basis of par for par of The Long Island Railroad Company's 4% 10-year debentures which mature December 31, 1919.....	\$26,500,000.00
(b) To be applied toward the discharge of indebtedness owing on December 31, 1916, to The Pennsylvania Railroad Company....	812,387.62
	<hr/>
	\$27,312,387.62

Unprovided for \$37.62

4. That none of the said debentures herein authorized shall be hypothecated or pledged as collateral by The Long Island Railroad Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

5. That The Pennsylvania Railroad Company is hereby authorized to acquire at its par value and hold the \$22,110,250 par value of The Long Island Railroad Company common capital stock herein authorized, and also

amount expended during such period of the proceeds of the bonds herein authorized for subdivision (b) of clause 3 of this order, and the account or accounts under the Classification of Investment in Road and Equipment of Steam Roads to which the expenditures therefor have been charged, giving all details of any credits to road and equipment in connection with such expenditures; (h) a summary showing the expenditures during such period for said last mentioned purpose by the prescribed accounts. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended or used the report shall set forth such fact.

7. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and affairs of the petitioner herein shall have been concluded and the corrections if any which are found necessary by reason of such examination shall have been made in the accounts of said company.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days from the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5965]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of April, 1917.**Present:**SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BAEHTE,
Commissioners.

In the matter of the Joint Petition of THE LONG ISLAND RAILROAD COMPANY and THE PENNSYLVANIA RAILROAD COMPANY (1) under section 64, Stock Corporation Law, for approval of increase of capital stock (common) of Long Island Company from \$12,000,000 to \$40,000,000; (2) under section 55, Public Service Commissions Law, for authority to Long Island Company to issue not to exceed \$25,477,863.88 of said increased stock; (3) under section 55, Public Service Commissions Law, for authority to Long Island Company to issue \$5,202,100 in 5 per cent debenture bonds; (4) under section 54, Public Service Commissions Law, for authority to The Pennsylvania Railroad Company to acquire and hold all or part of the existing common capital stock of the Long Island Company as the Pennsylvania does not now hold, and to acquire and hold all or part of the said new stock of the Long Island proposed to be issued.

Petition filed March 30, 1917; report of division of capitalization dated April 25, 1917; hearing held April 25, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Long Island Railroad Company is hereby authorized to issue \$5,202,100 face value of its 5 per cent 20-year debentures which may be sold for not less than their face value and accrued interest to give net proceeds of at least that sum.

2. That The Long Island Railroad Company is hereby authorized to issue \$22,110,250 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That said debentures and stock of the total face and par value of \$27,312,350, or the proceeds thereof, shall be used solely and exclusively for the following purposes:

(a) For the refunding on the basis of par for par of The Long Island Railroad Company's 4% 10-year debentures which mature December 31, 1919.....	\$26,500,000.00
(b) To be applied toward the discharge of indebtedness owing on December 31, 1916, to The Pennsylvania Railroad Company....	812,387.62
	<hr/> \$27,312,387.62

Unprovided for \$37.62

4. That none of the said debentures herein authorized shall be hypothecated or pledged as collateral by The Long Island Railroad Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

5. That The Pennsylvania Railroad Company is hereby authorized to acquire at its par value and hold the \$22,110,250 par value of The Long Island Railroad Company common capital stock herein authorized, and also

to acquire at its par value and hold the \$5,202,100 of the \$12,000,000 outstanding common capital stock of The Long Island Railroad Company now held by others than The Pennsylvania Railroad Company.

6. That The Long Island Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the securities herein authorized for the purposes specified herein. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That The Pennsylvania Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing what stock of The Long Island Railroad Company has been acquired under the authority of this order, the date of such acquisition, and the nature and amount of the consideration paid therefor. Such reports shall continue to be filed until all of said stock of The Long Island Railroad Company shall have been acquired, and if during any period no stock was acquired the report shall set forth such fact.

8. That the restriction heretofore placed by this Commission in its order in case No. 1080, dated the 18th day of November, 1909, requiring the certification of \$1,666,451.55 of the 4 per cent 10-year debentures for operating purposes, which debentures are to be satisfied by the securities herein authorized or their proceeds, is hereby canceled.

9. That the authority contained in this order to issue securities is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and before any are issued pursuant hereto and within thirty days of the service hereof the said The Long Island Railroad Company and The Pennsylvania Railroad Company shall file with the Commission satisfactory, verified stipulations over the signatures of their presidents and secretaries accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5967]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of ROME AND NORTHERN AUTO-BUS COMPANY, INC., under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Rome, it being proposed that the route shall also be operated between Rome and the incorporated village of Boonville, Oneida county.

The Rome and Northern Auto-Bus Company, Inc., asks for a certificate of convenience and necessity for the operation of a stage route by auto busses in the city of Rome as a part of a route to be operated between Rome and the village of Boonville. The consent of the City of Rome was granted March 8, 1917, subject to certain terms and conditions. A public hearing was held in Utica April 20, 1917, at which Edward L. O'Donnell appeared for the applicant; Johnson D. McMahon for the Rome and Boonville Auto-Bus Company, Inc.; and Howard W. Taylor and B. E. Tilton for the New York State Railways. It appeared in said hearing that no passengers or freight were to be carried from point to point within the tax district of the city of Rome, and that the minimum fare for passengers was to be maintained at fifteen cents. It also appeared that the applicant might desire to go upon other streets in the city of Rome solely for the purpose of delivering and picking up passengers and parcels. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Rome and Northern Auto-Bus Company, Inc., of an auto bus line as provided in the consent heretofore granted by the City of Rome, a copy whereof is attached to the petition herein, over the streets, avenues, and public places of the city of Rome, out and along North James street, to be operated only as a part of a line from the city of Rome to the incorporated village of Boonville, but not to carry passengers from point to point within the tax district of the city of Rome; the fare to be charged passengers to be not less than fifteen cents. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Rome and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5976]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of **POUGHKEEPSIE CITY
AND WAPPINGERS FALLS ELECTRIC RAILWAY COM-
PANY**, pursuant to the provisions of article 3 of the
General Corporation Law, to change its name to
Poughkeepsie & Wappingers Falls Railway Company.

On reading and filing the petition in this matter and on reading the pro-
posed petition to the Supreme Court in said matter, it is

Ordered: That the petition to the Supreme Court, copy of which is
attached to the petition to this Commission, of Poughkeepsie City and Wap-
pingers Falls Electric Railway Company, verified April 16, 1917, and entitled
as follows: "In the Matter of the Application of the Poughkeepsie City and
Wappingers Falls Electric Railway Company for authority to amend its cor-
porate name," is, under section 60 of the General Corporation Law, hereby
approved by this Commission; that evidence of such approval be annexed to
said petition.

Further Ordered: That the Poughkeepsie *Eagle-News* newspaper, published
at Poughkeepsie, in the county of Dutchess, said county being the county
where said corporation has its only business office, is hereby designated as
the newspaper in which notice of said petition to the Supreme Court shall be
published once a week for three successive weeks, in accordance with the pro-
visions of section 62 of the General Corporation Law.

State of New York, Supreme Court, Dutchess County.

In the matter of the Application of Poughkeepsie City
and Wappingers Falls Electric Railway Company,
pursuant to the provisions of article 3 of the Gen-
eral Corporation Law, to change its name to **POUGH-
KEEPSIE & WAPPINGERS FALLS RAILWAY COMPANY.**

To the Supreme Court of the State of New York:

The petition of Poughkeepsie City and Wappingers Falls Electric Railway
Company for leave to change its name and to assume the corporate name
"Poughkeepsie & Wappingers Falls Railway Company," which petition is
annexed hereto, is hereby approved by the Public Service Commission, Second
District. The Poughkeepsie *Eagle-News* newspaper, published at Pough-
keepsie, in the county of Dutchess, said county being the county where said
corporation has its only business office, was designated by this Commission,
as shown by certified copy of order of the Commission of April 26, 1917,
hereto annexed, as the newspaper in which notice of the annexed petition for
said change of name of said corporation should be published once a week for
three successive weeks, in accordance with the provisions of section 62 of the
General Corporation Law.

Dated at Albany, April 26, 1917.

FRANCIS X. DISNEY,
Secretary, Public Service Commission, Second District.

[Case No. 5989]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of April, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of F. W. ROEBLING, JR., W. L. SMITH, and WILLIAM NOTTINGHAM, as committee under the plan and agreement of reorganization of the Syracuse and South Bay Electric Railroad Company and Syracuse, Watertown and St. Lawrence River Railroad Company, for approval of a plan of reorganization, and consent to mortgage, and issue notes, bonds, and stock.

An application dated April 23, 1917, has been made for the approval of a plan of reorganization of the Syracuse and South Bay Electric Railroad Company and Syracuse, Watertown and St. Lawrence River Railroad Company, embodied and set forth in the plan and agreement of reorganization dated December 15, 1914, and the certain amendment thereto dated the 28th day of July, 1916, copies of which are filed with the application; and also for authority by the new company, the Syracuse Northern Electric Railway, Inc., to take over the properties formerly owned by said railroad companies, to mortgage such property, and to issue notes, bonds, and stock as set forth in said plan and amendment. The plan of reorganization has been the subject of several conferences with the Commission, and as approved herein it has been modified by effecting a reduction in the amount of bonds provided for and by increasing the amount of preferred stock, and by changes in the distribution of securities and in other respects. Now therefore it is

Ordered: 1. That the plan and agreement of reorganization of the Syracuse and South Bay Electric Railroad Company and Syracuse, Watertown and St. Lawrence River Railroad Company dated December 15, 1914, as amended by an instrument dated July 28, 1916, and as herein modified by this Commission, including a determination of the amount of the capital stock, mortgage bonds, and notes to be issued by the new corporation, the Syracuse Northern Electric Railway, Inc., to be formed to take over the property formerly of the aforesaid corporations, is hereby approved.

2. The capitalization which the Syracuse Northern Electric Railway, Inc., may issue for the purpose of completing the said reorganization is as follows:

First lien notes of the face value of \$40,000: said notes to be dated May 1, 1917, and to bear interest at the rate of 6 per cent per annum, and to mature in instalments as provided in the mortgage securing them, and to be secured by a first mortgage which provides for a total aggregate issue of \$50,000 of notes, a copy of which mortgage has been filed with this Commission, which form entitled "Exhibit D, corrected proof of April 17, 1917," is hereby approved; provided that the company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereinafter authorized by this Commission.

Second mortgage bonds of the face value of \$153,750: said bonds to be dated May 1, 1917, and to be twenty-nine year 5 per cent second mortgage bonds, bearing interest from said date instead of from October 1, 1916, and to be secured by a mortgage which provides for an aggregate amount of \$600,000 face value of bonds, a copy of which mortgage filed with this Commission, entitled "Exhibit E, revised proof April 17, 1917," with the correct dates herein indicated inserted, is hereby approved; provided that the company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

First preferred stock of the par value of \$480,000: said stock to be 6 per cent non-cumulative preferred stock, and to be part of the total authorized issue of \$600,000 of this class of capital stock.

Second preferred stock of the par value of \$420,000: said stock to be 6 per cent non-cumulative preferred stock, and to be part of the total authorized issue of \$500,000 of this class of capital stock.

Common capital stock, \$150,000.

3. That upon the execution and the delivery of said indentures so authorized there shall be filed with this Commission copies thereof in the form in which they were executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indentures as executed and delivered are the same as those herein approved by the Commission.

4. That none of the said notes and bonds herein authorized shall be hypothecated or pledged as collateral by the Syracuse Northern Electric Railway, Inc., unless any such pledge or hypothecation shall have been expressly approved by this Commission.

5. That the Syracuse Northern Electric Railway, Inc., is hereby authorized to issue at their face value \$40,000 of 6 per cent first lien notes, and to apply such notes, or the proceeds realized from their sale at their face value, toward the payment of expenses of foreclosure and reorganization; and also to provide it with at least \$20,000 in cash which may be used for the rehabilitation of its property, for the acquisition of additional property, and for working capital.

6. That the Syracuse Northern Electric Railway, Inc., is hereby authorized to issue at its face value the said \$153,750 principal amount of 5 per cent second mortgage bonds, and at its par value the said \$480,000 par value of first preferred stock, the said \$420,000 par value of second preferred stock, and the said \$150,000 par value of common capital stock, for the following: (a) All of the properties and franchises formerly of the said Syracuse and South Bay Electric Railroad Company conveyed to the purchaser upon the sale on foreclosure of the mortgage securing the bonds of said company; (b) all of the properties and franchises formerly of the said Syracuse, Watertown and St. Lawrence River Railroad Company conveyed to the purchaser upon the sale on foreclosure of the mortgage securing the bonds of said company.

7. That the issue and distribution of the above described bonds and stocks of the Syracuse Northern Electric Railway, Inc., to the depositors under said plan and agreement of reorganization shall be as follows: (a) To holders of the \$550,000 outstanding first mortgage bonds of the Syracuse and South Bay Electric Railroad Company, for each \$1000 bond, securities of the new company as follows: second mortgage 5 per cent bonds, \$225; first preferred 6 per cent non-cumulative stock, \$675; (b) to holders of the \$200,000 first mortgage bonds of the Syracuse, Watertown and St. Lawrence River Railroad Company, for each \$1000 bond, securities of the new company as follows: second mortgage 5 per cent bonds \$150; first preferred 6 per cent non-cumulative stock, \$525; (c) to holders of the other indebtedness of the Syracuse and South Bay Electric Railroad Company and Syracuse, Watertown and St. Lawrence River Railroad Company, for each \$1000 thereof, securities of the new company as follows: second preferred 6 per cent non-cumulative stock \$1000: provided in case the amount of other indebtedness to be satisfied at the time of the distribution to the holders thereof of the second preferred stock exceeds the total par value of such stock herein authorized to be issued, said second preferred stock shall be distributed pro rata to the holders of said other indebtedness; (d) to holders of the \$300,000 outstanding preferred stock of the Syracuse and South Bay Electric Railroad Company, for each \$1000 thereof, securities of the new company as follows: common capital stock, \$500.

8. That the Syracuse Northern Electric Railway, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of

such sale or disposition; (c) to whom such securities were sold; (d) what proceeds if any were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the securities herein authorized for the purpose specified herein and the account or accounts under the Uniform System of Accounts for Street Railroad Corporations to which such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the Syracuse Northern Electric Railway, Inc., shall open its books in accordance with the requirements of the Uniform System of Accounts for Street Railroad Corporations, a copy of which shall be served upon it, and the property formerly of the Syracuse and South Bay Electric Railroad Company and Syracuse, Watertown and St. Lawrence River Railroad Company herein authorized to be acquired shall be charged to the appropriate subaccounts of fixed capital as required in paragraph 23 of schedule A of the said system of accounts as aforesaid and within sixty days of the service of this order such books shall be so opened and a copy of the entry recording the acquisition of such properties, duly verified by the secretary of the corporation, shall be filed with the Commission.

10. That the authority contained in this order to issue securities is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission satisfactory, verified stipulation duly authorized by its board of directors accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as required herein.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Special Permission Tariffs, April, 1917.

No. 6494; April 2, 1917; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and West):

Ordered: That under its application of date March 31, 1917, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west) be and is hereby authorized to issue, on not less than one day's notice and within thirty days from the date of this order, a tariff on Milk, Cream, and Pot Cheese, in cans, and establish therein charges as follows: From Jamestown, N. Y., to South Dayton, N. Y., on Milk, Buttermilk, and Pot Cheese, in cans, over ten to and including eleven gallons, 17.3 cents per can; over eleven to and including twelve gallons, 18.9 cents per can; on Cream or Condensed Milk, in cans, over ten to and including eleven gallons, 28.9 cents per can; over eleven to and including twelve gallons, 31.5 cents per can. Said tariff shall be published and filed in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder. This authority applies only to traffic as to which this Commission has jurisdiction.

Completed by P. S. C. No. A-638, effective April 7, 1917.

No. 6495; April 4, 1917; The Delaware and Hudson Company:

Ordered: That under its application of date April 3, 1917, The Delaware and Hudson Company be and is hereby authorized to issue, on not less than one day's notice and under an effective date of May 1, 1917, a local and proportional freight tariff of mileage rates on Coke, Coke Dust, Coke Breeze, or Coke Screenings, in carloads, such tariff to cancel tariff P. S. C., 2 N. Y., No. 3336, filed to take effect May 1, 1917; and tariffs P. S. C., 2 N. Y., Nos. 2586, 2229, 3222; and the rates on Gas House Coke contained in tariff P. S. C., 2

N. Y., No. 3330, and establish therein the rates as shown in exhibit attached to said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction and is given in order that typographical and clerical errors may be corrected.

Completed by P. S. C. No. 3350, effective May 1, 1917.

No. 6496; April 7, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor of date April 5, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to amend its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 1653, on not less than one day's notice and within thirty days from the date of this order, and establish a rate of ninety-five cents per two thousand pounds on Moulding Sand, carloads, minimum weight 54,000 pounds, from Rhinecliff, N. Y., to Peekskill, N. Y. Such amendment shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of this Commission established thereunder. This authority applies only to traffic as to which this Commission had jurisdiction.

Completed by supplement No. 5 to P. S. C. N. Y. C. No. 1653, effective April 13, 1917.

No. 6497; April 10, 1917; Lehigh Valley Railroad Company:

Ordered: That under its application therefor dated April 10, 1917, the Lehigh Valley Railroad Company be and is hereby authorized to postpone until August 8, 1917, the effective date of tariff P. S. C., 2 N. Y., No. G-28, Car Demurrage Rules on Cars of Boulets, Briquettes, Coal (Anthracite), Coal (Bituminous), or Coke (except Petroleum Coke), filed to take effect April 10, 1917. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of a supplement to said tariff showing date of issue only. Such supplement will not be counted against the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereunder.

Completed by supplement No. 1 to P. S. C. No. G-28, filed April 10, 1917.

No. 6498; April 10, 1917; R. N. Collyer, Agent:

Ordered: That under his application therefor dated April 9, 1917, R. N. Collyer, Agent, duly authorized to publish and file Official Classification for various carriers, be and is hereby authorized to amend, on not less than five days' notice and effective May 1, 1917, his P. S. C., 2 N. Y., O. C. No. 44, for the purpose of changing the last clause of second paragraph of paragraph 1824(k) of the Interstate Commerce Commission's regulations for the transportation of dangerous articles other than explosives by freight, as published in Item 1, page 15, of supplement No. 5 thereto, to read "and the requirement for construction of dome covers and valve setting at 25 pounds must be made effective not later than July 1, 1917, for all tank car shipments of inflammable liquids with flash points lower than 20° F". Such amendment shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction and is given in order that the regulations may apply uniformly to intrastate and interstate traffic.

Completed by supplement No. 6 to P. S. C. O. C. No. 44, filed April 18, 1917.

No. 6499; April 11, 1917; The New York, Chicago and St. Louis Railroad Company:

Ordered: That under its application therefor dated April 10, 1917, The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to postpone until July 29, 1917, the effective date of tariff P. S. C., 2 N. Y., No. 583, on Articles of Iron and Steel Manufacture, carloads, filed to take effect April 15, 1917. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of a supplement to said tariff showing date of issue only. Such supplement will not be counted against the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereby.

Completed by supplement No. 1 to P. S. C. No. 583, filed April 13, 1917.

No. 6500; April 12, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application dated April 11, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to issue, on not less than one day's notice and within thirty days from the date of this order, a tariff and establish therein a rate of forty-two cents per two thousand pounds on Ice, in carloads, minimum weight forty thousand pounds, from Crystal Lake, N. Y., to Lackawanna, N. Y. Such tariff shall be published and filed in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder.

Completed by P. S. C. No. 1332, effective April 16, 1917.

No. 6501; April 11, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefore dated April 13, 1917, the Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to postpone until August 8, 1917, the effective date of tariff P. S. C., 2 N. Y., No. 2800, Car Demurrage Rules applicable to Anthracite Coal or Briquettes consigned to and held at Oswego, Syracuse, Utica, or Buffalo, N. Y., and there trans-shipped by water or consigned to and held at said points and there reconsigned to other destinations, filed to take effect April 20, 1917. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of a supplement to said tariff showing date of issue only. Such supplement will not be counted against the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereby.

Completed by supplement No. 1 to P. S. C. No. 2800, filed April 13, 1917.

No. 6502; April 13, 1917; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated April 13, 1917, the Boston and Albany Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to postpone until August 10, 1917, the effective date of the cancellation of Item No. 167 shown in supplement No. 5 to P. S. C., 2 N. Y., No. 581, Exceptions to Official Classification, which supplement was filed to take effect April 16, 1917. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by the issuance of a supplement to said tariff showing date of issue and bearing no effective date. Such supplement will not be counted against the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55.

This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereby.

Completed by supplement No. 6 to P. S. C. No. 581, filed April 14, 1917.

No. 6503; April 14, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor date April 13, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to amend, on not less than five days' notice and effective not earlier than April 26, 1917, its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 3173, applying on Building Sand, carloads, correcting on page 13 the application of rate of \$1.05 per two thousand pounds, now shown as applying from Forestport, N. Y., to station Index No. 596, so that said rate will apply from Forestport, N. Y., to station Index No. 506. Such amendment shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder. This authority is given in order to correct typographical error.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 3173, effective April 26, 1917.

No. 6504; April 14, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated April 13, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to issue, on not less than one day's notice and within thirty days from the date of this order, a tariff establishing a rate of sixty-eight cents per two thousand pounds on Crushed Stone, in carloads, minimum weight sixty thousand pounds, from Little Falls, N. Y., to Lyons Falls, N. Y. Such tariff shall be published and filed in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder.

Completed by P. S. C. N. Y. C. No. 3212, effective April 20, 1917.

No. 6505; April 14, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor dated April 13, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to correct, on not less than one day's notice and effective April 28, 1917, reference mark now shown in connection with rate of sixty-nine cents per two thousand pounds in supplement No. 6 to its freight tariff P. S. C., 2 N. Y., No. 2429, applying from stations in Group No. 18 to stations taking Index Nos. 792 to 796 inclusive, to read 8 within a circle instead of 9 within a circle. Such correction shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder. This authority is given in order to correct typographical error.

Completed by supplement No. 7 to P. S. C. No. 2429, effective April 28, 1917.

No. 6506; Various Railroad Corporations:

Ordered: That under applications therefor, the carriers herein specified be and they are hereby authorized to postpone until August 13, 1917, the effective dates of tariffs, supplements to tariffs, or items in tariffs or supplements to tariffs filed to take effect April 20, 1917, except as otherwise specified, by filing under date of issue and without notice to the public and the Commission, supplements to their tariffs designated as follows:

Buffalo, Rochester and Pittsburgh Railway Company: supplement No. 8 to tariff P. S. C., 2 N. Y., No. 1066, effective May 8, 1917, provisions on page 2 thereof set forth in connection with the commodity descriptions Dextrine and Starch; tariff P. S. C., 2 N. Y., No. 1323, effective May 8, 1917, provisions thereof effecting cancellation of Dextrine and Starch rates shown in P. S. C., 2 N. Y., No. 1212.

The Delaware, Lackawanna and Western Railroad Company: supplement No. 11 to tariff P. S. C., 2 N. Y., No. 2444, effective April 25, 1917; tariffs P. S. C., 2 N. Y., Nos. 2803 and 2806, effective April 25, 1917.

Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East): supplement No. 20 to tariff P. S. C., 2 N. Y., No. 3571.

Lehigh Valley Railroad Company: supplement No. 15 to tariff P. S. C., 2 N. Y., No. D-3274, page 6 thereof, provisions set forth in connection with Dextrine and Starch; supplement No. 2 to tariff P. S. C., 2 N. Y., No. D-3310; supplement No. 2 to tariff P. S. C., 2 N. Y., No. D-3313.

The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East): supplement No. 4 to tariff P. S. C., 2 N. Y., N. Y. C. No. 1860, on page 2 thereof in first item; supplement No. 11 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2115, on pages 2 and 6 thereof; supplement No. 41 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2117, on page 2 thereof in first and second items; and on page 3 thereof; supplement No. 32 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2311, on page 2 thereof in second and sixth items; on pages 9, 10, 11, 12, and 13 thereof; and on page 14 thereof in first item; supplement No. 19 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2543, on page 2 thereof in first, third, and last items; supplement No. 22 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2762, on page 2 thereof in first and third items; and on page 5 thereof; supplement No. 8 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2835, on page 2 thereof in fifth and seventh items; and on page 6 thereof; supplement No. 3 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2977, on second page thereof in first, second, and last items; supplement No. 4 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2977, on page 2 thereof in third, fourth, and last items; supplement No. 4 to tariff P. S. C., 2 N. Y., N. Y. C. No. 3006, on page 2 thereof in fourth and sixth items; and on page 4 thereof in first item; supplement No. 2 to tariff P. S. C., 2 N. Y., N. Y. C. No. 3047, on page 2 thereof in first, third, and last items; supplement No. 3 to tariff P. S. C., 2 N. Y., N. Y. C. No. 1860; supplement No. 15 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2648; tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 3160, 3161, 3162, and 3164.

The Pennsylvania Railroad Company: supplement No. 50 to tariff G. O., P. S. C., 2 N. Y., No. 740, on second page thereof in first and second items; supplement No. 11 to tariff G. O., P. S. C., 2 N. Y., No. 862, on page 12 thereof in second item; supplement No. 14 to tariff G. O., P. S. C., 2 N. Y., No. 864, on pages 12 and 13 thereof; supplement No. 22 to tariff G. O., P. S. C., 2 N. Y., No. 865, on page 8 thereof in first item; supplement No. 13 to tariff G. O., P. S. C., 2 N. Y., No. 871, on pages 4, 5, and 6 thereof; and on page 7 thereof in first item; supplement No. 4 to tariff G. O., P. S. C., 2 N. Y., No. 911, on page 4 thereof in first item; tariff G. O., P. S. C., 2 N. Y., No. 917, on page 248 thereof set forth opposite the commodity description Starch; supplement No. 23 to tariff G. O., P. S. C., 2 N. Y., No. 569; supplement No. 21 to tariff G. O., P. S. C., 2 N. Y., No. 865; tariff G. O., P. S. C., 2 N. Y., No. 921.

West Shore Railroad (The New York Central Railroad Company, Lessee): supplement No. 4 to tariff P. S. C., 2 N. Y., W. S. No. 482, second page thereof, first item; supplement No. 33 to tariff P. S. C., 2 N. Y., W. S. No. 519, on page 2 thereof in seventh and twelfth items; and on pages 19 and 20 thereof; supplement No. 12 to tariff P. S. C., 2 N. Y., W. S. No. 641, on page 2 thereof in third and fourth items; and on page 6 thereof; supplement No. 14 to tariff P. S. C., 2 N. Y., W. S. No. 656, on page 2 thereof in second and third items; and on page 3 thereof; supplement No. 4 to tariff P. S. C., 2 N. Y., W. S. No. 853, on page 2 thereof in first and third items; and on page 3 thereof in sixth item; supplement No. 5 to tariff P. S. C., 2 N. Y., W. S. No. 876, on page 2 thereof in first and third items; and on page 3 thereof; supplement No. 3 to tariff P. S. C., 2 N. Y., W. S. No. 482; supplement No. 15 to tariff P. S. C., 2 N. Y., W. S. No. 707; tariffs P. S. C., 2 N. Y., W. S. Nos. 942, 943, and 944.

This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law, except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55; it applies only to

traffic as to which this Commission has jurisdiction and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by its seventh supplemental order dated April 9, 1917, in I. & S. Docket No. 999, suspended the effective dates of said tariffs, tariff supplements, and items in tariffs or tariff supplements as to interstate traffic; it is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereby.

Completed by proper schedules filed by the carriers named.

No. 6507; April 16, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated April 14, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to issue, on not less than one day's notice and within thirty days from the date of this order, a tariff publication establishing rate of sixty-three cents per two thousand pounds on Cord Wood, Edgings, and Slab Wood, in carloads, minimum weight forty thousand pounds, from Lindley, N. Y., to Corning, N. Y. Such rate shall be published and filed in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder.

Completed by P. S. C. N. Y. C. No. 3214, effective April 26, 1917.

No. 6508; April 16, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated April 14, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to issue, on not less than one day's notice and within thirty days from the date of this order, a tariff publication, and provide therein a rate of \$6 per car when handled in company's equipment, and \$5.55 per car when handled in private equipment — no mileage or per diem charge to be allowed on private equipment — on Logs, in carloads, weight not to exceed marked capacity of car, from Keepawa, N. Y., to Tupper Lake, N. Y., and Tupper Lake Junction, N. Y. Such rates shall be published and filed in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder.

Completed by P. S. C. N. Y. C. No. 3208, effective April 21, 1917.

No. 6509; April 16, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated April 14, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to issue, on not less than one day's notice and within thirty days from the date of this order, a tariff publication, and establish therein rate on Fluid Milk, in forty-quart cans, from Mansville, N. Y., Altmar, N. Y., and Camden, N. Y., to Newport, N. Y., of 27.3 cents per can, less carloads, minimum 75 cans; and 23.9 cents per can, carloads, minimum 250 cans; such rates not to include icing but will include free return of empty cans. Said rates shall be published and filed in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder.

Completed by P. S. C. N. Y. C. No. 3209, effective April 19, 1917.

No. 6510; April 16, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under applications therefor dated April 16, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and are hereby authorized to file, under date of issue April 17, 1917, without notice to the public and the Commission, supplements to tariffs of car demurrage rules and regulations governing cars containing bituminous coal for trans-shipment to vessels at the West Shore coal dock, Buffalo, N. Y., N. Y. C. R. R. P. S. C., 2 N. Y., No. X-27, and West Shore R. R. P. S. C., 2 N. Y., No. X. W. S.-24, for the purpose of postponing the effective date of said tariffs from April 16, 1917, to August 13, 1917. This

authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction; is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by order in its I. & S. Docket No. 1068 suspended the effective date of said tariffs as to interstate traffic; is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereby.

Completed by supplements Nos. 1 to P. S. C. Nos. X-27 and X. W. S.-24, filed April 17, 1917.

No. 6511; April 17, 1917; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated April 16, 1917, the Boston and Albany Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, effective not later than April 30, 1917, and on not less than ten days' notice to the public and the Commission, a tariff covering storage, handling, and reconsignment of freight at Rensselaer, N. Y., warehouse, and as canceling its tariff P. S. C., 2 N. Y., No. 602, reissuing the matter contained therein without change except to extend the expiration of the 75-cent storage charge per car per day from April 30, 1917, to May 31, 1917; and to extend the taking of effect of the 45-cent storage charge per car per day from May 1, 1917, to June 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by its special permission No. 41538, dated April 30, 1917, authorized same changes to apply on interstate traffic.

Completed by P. S. C. No. 618, effective May 1, 1917.

No. 6512; April 17, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated April 16, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein a rate of fifty-three cents per 2240 pounds to apply on Limestone or Fluxing Stone, carloads, minimum weight 25 tons of 2240 pounds each, from Richville, N. Y., to Carthage, N. Y. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3213, effective April 21, 1917.

No. 6513; April 17, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated April 16, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, under date of issue May 1, 1917, and without notice to the public and the Commission, a supplement to its tariff of Car Demurrage Rules, P. S. C., 2 N. Y., No. 1303, for the purpose of postponing the effective date of supplement No. 1 to said tariff, filed to take effect May 1, 1917, until August 13, 1917. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction and is

given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having suspended the effective date of said tariff supplement as to interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereby.

Completed by supplement No. 2 to P. S. C. No. 1303, filed April 26, 1917.

No. 6514; Various Railroad Corporations:

Ordered: That under applications therefor, the carriers herein specified be and they are hereby authorized to revise Car Demurrage Rules Nos. 7 and 9, as set forth in exhibits attached to said applications, which exhibits are hereby made a part of this order, by filing, effective not earlier than May 1, 1917, on not less than five days' notice to the public and the Commission, supplements to or superseding issues of their car demurrage tariffs, P. S. C., 2 N. Y., numbered, as follows: The Baltimore and Ohio Railroad Company, 43; Boston and Albany Railroad (The New York Central Railroad Company, lessee), 601; Boston and Maine Railroad (J. H. Hustis, Temporary Receiver), 738; Buffalo Creek Railroad (Erie Railroad Company and Lehigh Valley Railroad Company, lessees), 14; Buffalo, Rochester and Pittsburgh Railway Company, 1303; Buffalo and Susquehanna Railroad Corporation, 58; Coopers-town and Charlotte Valley Railroad Company, 146; The Delaware and Hudson Company, 3237; The Delaware, Lackawanna and Western Railroad Company, 2770; Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east thereof), 3604; Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof), A-591; Fonda, Johnstown and Gloversville Railroad Company, 235; Grand Trunk Railway System, 147; Greenwich and Johnsonville Railway Company, 406; The Lehigh and Hudson River Railway Company, 132; Lehigh and New England Railroad Company, 109; Lehigh Valley Railroad Company, G-15; The Long Island Railroad Company, 431; The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east), X-28; The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west), L. S. No. 155; The New York, Chicago and St. Louis Railroad Company, 565; The New York, New Haven and Hartford Railroad Company, X-12; New York, Ontario and Western Railway Company, 3261; Niagara Junction Railway Company, 6; The Pennsylvania Railroad Company, T. D. P. S. C. No. 11; Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, Receiver), 632; Rutland Railroad Company, A-17; The Staten Island Rapid Transit Railway Company, 122; Wabash Railway Company, 30; West Shore Railroad (The New York Central Railroad Company, lessee), X. W. S.-25. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having given special permission to make the same changes effective on short notice.

Completed by proper schedules filed by the carriers named.

No. 6515; April 18, 1917; Penn Yan and Lake Shore Railway:

Ordered: That under its application therefor dated April 17, 1917, the Penn Yan and Lake Shore Railway be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and under an effective date of May 1, 1917, to expire 7 a. m. May 1, 1918, unless sooner canceled, changed, or extended, a tariff of car service and demurrage charges as canceling its tariff P. S. C., 2 N. Y., No. 3, reissuing the matter contained therein except to provide: "Charges: After forty-eight hours' free time exclusive of Sundays and legal holidays, \$2 per car per day for the first five days, and \$5 per car per day thereafter." This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. It applies only to traffic as to which this Commission has jurisdiction and is given in order that uniform charges and regulations may obtain as to intra-

state and interstate traffic, the Interstate Commerce Commission having directed that authority to make these changes effective on said date and notice would be granted as to interstate traffic.

Completed by P. S. C. No. 4, effective May 1, 1917.

No. 6516; April 19, 1917; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application therefor dated April 18, 1917, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a commodity tariff, establishing therein a rate of thirty cents per two thousand pounds on Sand and Gravel, in carloads, minimum weight sixty thousand pounds, from Binghamton, N. Y., to Endicott, N. Y. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3747, effective April 23, 1917.

No. 6517; April 19, 1917; Lehigh Valley Railroad Company.

This special permission not used.

No. 6518; April 19, 1917; Lehigh Valley Railroad Company:

Ordered: That under its application therefor dated April 18, 1917, the Lehigh Valley Railroad Company be and is hereby authorized to file, on not less than ten days' notice to the public and the Commission, a supplement to its joint and proportional freight tariff of commodity rates, P. S. C., 2 N. Y., No. D-3287, and therein postpone until August 10, 1917, the effective dates of the items published in supplement No. 12 to said tariff filed to take effect May 15, 1917, described as follows: Page 2, 27th item prefixed by heavy square, also explanation thereof at bottom of page; Page 3, 5th and 6th items prefixed by heavy dot; Page 6, item reading "Erase from Page 38 Rate Group Nos. 54, 55, 56, and 57". This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission by order in its I. & S. Docket No. 1062 having suspended the effective dates of the referred to items in said tariff supplement as to interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereby.

Completed by supplement No. 13 to P. S. C. No. D-3287, filed May 5, 1917.

No. 6519; April 20, 1917; E. Morris, representing various carriers:

This special permission not used.

No. 6520; April 20, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated April 19, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff supplement, establishing therein a rate of sixty-eight cents per two thousand pounds on Cord Wood, Edgings, and Slab Wood, in carloads, minimum weight forty thousand pounds, from Lawrenceville, N. Y.-Penna., to Corning, N. Y. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3214, effective April 26, 1917.

No. 6521; April 20, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under application therefor dated April 19, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and are hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, tariff schedules as canceling The New York Central Railroad Company's freight tariff P. S. C., 2 N. Y., N. Y. C. No. 3130, and West Shore Railroad freight tariff P. S. C., 2 N. Y., W. S. No. 937, reissuing the matter contained therein and providing that the Rules Governing Storage and Reconsignment of Carload Traffic (except Bulk Freight, Bulk Grain, Pig Iron, and Ore) at Buffalo, N. Y., via Lake-and-Rail Routes, as shown on page 3; and Rules Governing Inspecting, Branding, Mixing, Blending, and Re-packing of Flour and other Grain Products and Byproducts in Transit at Buffalo, N. Y., as shown on pages 6 to 9 inclusive; also Rules Governing Inspecting, Branding, Mixing, Blending, and Re-packing of Flour and other Grain Products and Byproducts in Transit at Mills or Warehouses located on Buffalo Creek railroad at Buffalo, N. Y., as shown on page 10; will apply on such traffic which is received from the Northwestern Steamship Company, at Buffalo, N. Y., as well as on such traffic received from the Cleveland and Buffalo Transit Company, Detroit and Cleveland Navigation Company, or Great Lakes Transit Corporation. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 3130, and supplement No. 1 to P. S. C. W. S. No. 937; effective May 1, 1917.

No. 6522; April 21, 1917; Skaneateles Railroad Company:

Ordered: That under its application therefor dated April 21, 1917, the Skaneateles Railroad Company be and is hereby authorized to file, effective not earlier than May 1, 1917, and to expire May 1, 1918, unless sooner canceled, changed, or extended, and on not less than five days' notice to the public and the Commission, a tariff of car demurrage rules as canceling its tariff P. S. C., 2 N. Y., No. 13, reissuing the matter contained therein except to provide "On and after May 1, 1917, to and including April 30, 1918, unless sooner canceled, changed, or extended, after the expiration of free time allowed the following charges per car per day or fraction of a day will be made until car is released: \$2 for each of the first five days; \$5 for the sixth and each succeeding day". This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having granted special permission authorizing said change as to interstate traffic.

Completed by P. S. C. No. 14, effective May 1, 1917.

No. 6523; April 21, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated April 20, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, under effective date of May 1, 1917, and on not less than one day's notice to the public and the Commission, a tariff of switching charges at Olean, N. Y., and vicinity, as superseding its tariff S. S. P. S. C., 2 N. Y., No. 897, filed to take effect May 1, 1917, reissuing the matter contained therein without change except to provide under caption "Industrial Switching": "No charge will be made for switching empty cars between railroad's, industrial's, or car owner's storage tracks and industrial's or car owner's loading or unloading

storage, shop inspection, repair or cleaning tracks, or between industrial's or car owner's (and between industrial's and car owner's) loading or unloading, storage, shop, inspection, repair or cleaning tracks, or for ascertaining weights for billing purposes. For any other switching of loaded or empty cars between any two locations within the yard of an industrial's or car owner's plant, a charge of \$2 per car will be made." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction and is given in order that an alleged error can be corrected.

Completed by S. S. P. S. C. No. 898, effective May 1, 1917.

No. 6524; April 20, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated April 19, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein on Cord Wood, in carloads, minimum weight forty thousand pounds, rates per two thousand pounds from Pocantico Hills, N. Y., as follows: To Melrose Junction, N. Y., and Westchester Avenue, N. Y., \$1.15; to 130th Street, 60th Street, and 33rd Street stations, New York, N. Y., \$1.26. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3215, effective April 28, 1917.

No. 6525; April 24, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated April 23, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein on Sand and Gravel, in carloads, minimum weight sixty thousand pounds, rates per two thousand pounds, from Buffalo, N. Y., and Niagara Frontier stations as shown in its tariff P. S. C., 2 N. Y., N. Y. C. No. 2329, as follows: To Rome, N. Y., \$1.21; to Utica, N. Y., \$1.32. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3216, effective April 30, 1917.

No. 6526; April 24, 1917; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated April 24, 1917, the Boston and Albany Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, effective April 30, 1917, on not less than one day's notice to the public and the Commission, a tariff schedule canceling supplement No. 6 to freight tariff P. S. C., 2 N. Y., No. 581, and restore into effect as of April 30, 1917, Item No. 167 as shown in supplement No. 5 to said tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having vacated and set aside its order of date April 9, 1917, in I. & S. Docket No. 1062, as of April 30, 1917.

Completed by supplement No. 7 to P. S. C. No. 581, effective April 30, 1917.

No. 6527; April 25, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated April 24, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein a rate of 4.7 cents per hundred pounds to apply on Pulp Wood, in carloads, minimum weight 40,000 pounds, from Edwards, N. Y., to Brownville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3217, effective April 30, 1917.

No. 6528; April 25, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated April 24, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein a rate of 12.7 cents per hundred pounds to apply on Asphalt or Asphaltum, in carloads, minimum weight 40,000 pounds, except when in tank cars the minimum will be as per Official Classification in effect at time of shipment, from Hastings-on-Hudson, N. Y., to East Buffalo, N. Y., Black Rock, N. Y., and Erie Street, Ohio Street, Carroll Street, and Louisiana Street stations, Buffalo, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3218, effective April 30, 1917.

No. 6529; April 23, 1917; Rutland Railroad Company:

Ordered: That under its application therefor dated April 21, 1917, the Rutland Railroad Company be and is hereby authorized to file, under effective date May 1, 1917, on not less than three days' notice to the public and the Commission, a passenger tariff schedule canceling supplement No. 11 to its tariff P. S. C., 2 N. Y., No. 332, filed to take effect May 1, 1917, for the purpose of reissuing the matter contained to bring the same into conformity with the regulations of this Commission governing the publishing and filing of passenger fare schedules. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 13 to P. S. C. No. 332, effective May 1, 1917.

No. 6530; April 25, 1917; Fonda Johnstown and Gloversville Railroad Company:

Ordered: That under its application therefor dated April 24, 1917, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, effective May 1, 1917, on not less than one day's notice to the public and the Commission, a local passenger tariff of Special, Sunday, Holiday, Season, and Party Excursion Fares, establishing therein the rates, fares, and charges as set forth in exhibit attached to said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 341, effective May 1, 1917.

No. 6531; April 25, 1917; The Niagara Gorge Railroad Company:

Ordered: That under its application therefor dated April 23, 1917, The Niagara Gorge Railroad Company be and is hereby authorized to file, within thirty days from the date hereof, on not less than three days' notice to the

public and the Commission, a freight tariff schedule, establishing therein rate of five cents per 2000 pounds to apply on freight of all kinds, in carloads, minimum weight 30 tons of 2000 pounds each, when loaded in cars not exceeding 36 feet and 6 inches in length, in both directions between Youngstown (Youngstown terminal), N. Y., and Fort Niagara, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 30, effective May 7, 1917.

No. 6532; April 26, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated April 25, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein a rate of 42 cents per 2000 pounds to apply on Logs, in carloads, minimum weight as per tariff P. S. C., 2 N. Y., No. 492, or superseding issues thereof in effect at time of shipment, from Salamanca, N. Y., to Great Valley, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1337, effective May 4, 1917.

No. 6533; April 28, 1917:

Upon applications filed by rail carriers generally under section 29 of the Public Service Commissions Law, requesting such modification of the rules and regulations of this Commission as will permit them, in an economical and expeditious manner, to file supplements to tariffs in simple form which will present for consideration proposed general increases in freight rates and charges; and

It appearing that the Commission's rules and regulations, Circular No. 55, in subdivision (i) of Rule 4 require an explicit statement of the rates, in cents or in dollars and cents, together with the name or designation of the places from and to which they apply; in subdivision (e) of Rule 9 limit the number of, or the volume of effective supplements to any tariff; and in Rule 46 provide that rates filed must be allowed to go into effect, and can not be changed for at least thirty days after the date when the rates have become effective;

It is Ordered: 1. That excepting terminal rates, charges, and allowances, or absorptions, and rates and charges for demurrage, weighing, switching, car service, transfer, diversion, reconsignment, refrigeration, icing, storage, elevation, and other transit or special services; and excepting commodity rates for the transportation in carloads of iron ore between points in Official Classification territory; carriers be and they are hereby permitted to file special supplements to freight tariffs, upon not less than fifty (50) days' notice to the Commission and to the general public, proposing to increase, effective July 1, 1917, rates and charges which are in effect on said July 1, 1917, but not thereafter; provided that where the increase is by a percentage the supplements shall be subject to the rule hereinafter provided for the disposition of fractions, and in the form hereinafter set forth.

2. That any such supplement may be designated as supplement to one or more tariffs, including tariffs of less than five (5) pages, and may be filed without regard to the number of or the volume of the effective supplements to the tariff thus supplemented; provided that no such supplement shall consist of more than twelve (12) pages; that such supplement shall be posted with each tariff to which it is a supplement; that such supplement may not contain any matter other than the provisions for increasing rates as herein recited.

3. That the increased rates so filed may supersede and take the place of rates which shall have been filed with the Commission on or before April 23,

1917, to become effective on or before July 1, 1917, even though such filed rates may not have remained in effect full thirty (30) days from the date when they became effective.

4. (a) That carriers be and they are hereby authorized to cancel, upon thirty (30) days' notice to the Commission and to the general public, rates which shall have been filed with the Commission on or before April 23, 1917, to become effective subsequent to June 1, 1917; provided that such rates shall not have become effective.

(b) That no supplement herein authorized to be filed shall at any time be reissued.

(c) That no subsequently filed supplement to a tariff may be made subject to the rules or rates contained in the supplement herein authorized to be filed; and that each subsequent supplement shall bear above the upper marginal line of its title-page the following notice, in bold type, viz: "Rates and charges named in this supplement are not subject to increases shown in Special Supplement effective July 1, 1917."

(d) That any rate or rates contained in any effective supplement which shall have been filed with the Commission on or before April 23, 1917, may be included in supplements issued subsequent to the filing of the special supplement herein authorized to be filed; provided that each such rate or rates shall be given a new effective date upon not less than thirty (30) days' notice to the Commission and to the general public; provided further that such rate or rates as may be reissued from previous effective supplements, if the application of the basis for increases be thereafter continued, shall be revised so as not to increase such rate or rates by more than is proposed in the special supplement hereby permitted to be filed, subject to the rule for disposition of fractions hereinafter set forth, and by specifically publishing the exact rate or charge in the manner required by subdivision (i) of Rule 4, Circular No. 55.

5. That in publishing a percentage increase in rates the following rule for the disposition of fractions shall be observed: Fractions of less than $\frac{1}{4}$ or .25, to be omitted; fractions of $\frac{1}{4}$ or .25, or greater, but less than $\frac{3}{4}$ or .75, to be shown as one-half ($\frac{1}{2}$); fractions of $\frac{3}{4}$ or .75, or greater, to be increased to the next whole figure; and the supplements shall be in form as follows:

Note: Rates or fractions not shown in current tariffs may be omitted from the Table of Rates in the supplement form herein authorized.

(Title-page)

Special Supplement to P. S. C., 2 N. Y.,
Nos. shown herein.

Special Supplement to Tariffs
Issued by

[Name of Carrier, Carriers, or Agent]

Applying in connection with participating carriers shown in tariffs and supplements thereto enumerated herein.

INCREASE IN RATES

Rates named in tariffs and supplements thereto, listed on pages — to —, inclusive, are hereby increased to the rates shown in Column B of rate table on pages — to —, inclusive.

(See application of rates, page 2.)

The form of this supplement is permitted by authority of the Public Service Commission, Second District, State of New York, Special Permission No. 6533.

(Page 2)

APPLICATION OF RATES

Effective July 1, 1917, all rates then in effect named in tariffs enumerated herein and in prior supplements thereto, as indicated, to each of which tariffs this is a supplement, are increased to the rates shown in Column B in Table of Rates on pages — to —, inclusive, hereof.

EXCEPTIONS

This supplement does not increase —

1st. Rates of one and eight hundredths (1.08) cents or less.

2nd. Charges for terminal or transit services or facilities, switching, weighing, demurrage, car service, transfer, diversion, reconsignment, refrigeration, icing, storage, elevation, or other special services.

RULES

RATES IN CENTS (EXCEPT CENTS PER CAR)

1. Where rates named in tariffs or prior supplements thereto, as enumerated herein, in cents per hundred pounds, per package, per ton, per shipment, or other unit (except rates in cents per car: see Rule 6) are included in the figures shown in Column A, the rates shown opposite thereto in Column B will apply.

RATES IN DOLLARS PER HUNDRED POUNDS

2. Where tariff or prior supplements thereto, as enumerated herein, name rates in dollars, or dollars and cents, per hundred pounds, use the equivalent in cents per hundred pounds and apply figures shown in Column B opposite figures shown in Column A.

RATES IN DOLLARS (EXCEPT PER HUNDRED POUNDS, PER TON, OR PER CAR)

3. Where tariff or prior supplements thereto, as enumerated herein, name rates in dollars, or dollars and cents, per unit (other than per hundred pounds, per ton, or per car), use the figures in Column A as expressing dollars and fractions thereof, and apply figures shown in Column B opposite figures shown in Column A.

RATES IN DOLLARS PER TON

4. Where tariff or prior supplements thereto, as enumerated herein, name rates in dollars, or dollars and cents, per net or gross ton, use the equivalent in cents per net or gross ton and apply rate in Column B opposite such figure.

Example: Where rate in tariff is \$1.60, the equivalent is 160 cents; 160 is included between 159.78 and 160.21 in Column A; the rate in Column B opposite thereto is 184 cents, or \$1.84, which is the rate to apply.

RATES IN DOLLARS PER CAR

5. (a) Where tariff or prior supplements thereto, as enumerated herein, name rates in dollars, or dollars and cents, per car regardless of weight, use the figures in Column A as expressing dollars and cents, and apply figures shown in Column B opposite figures shown in Column A.

Example: Where rate in tariff is \$160.00 per car, the equivalent is 160; 160 is included between 159.78 and 160.21 in Column A; the rate in Column B opposite thereto is 184, or \$184.00 per car, which is the rate to apply per car regardless of weight.

(b) Where tariff or prior supplements thereto, as enumerated herein, name rates in dollars, or dollars and cents, per car of a specified weight, and provide that excess weight will be charged for in proportion, first determine the per car charge by the method shown in rule 5(a), and then determine the charge on the actual weight of the car by the following method:

If the new rate of \$184.00 applies per car of 20,000 pounds, the charge for a car of 26,000 pounds will be $\frac{26000}{20000}$ of the rate for 20,000 pounds, thus $\$184.00 \times \frac{13}{10}$ equals \$239.20, which is the rate for a car of 26,000 pounds.

RATES IN CENTS PER CAR

6. (a) Where tariff or prior supplements thereto, as enumerated herein, name rates in cents per car regardless of weight, use the equivalent in dollars, or dollars and cents, taking the figures in Column A as expressing dollars and cents, and apply figures shown in Column B opposite figures shown in Column A.

Example: Where rate in tariff is 5,000 cents per car, the equivalent is \$50.00; 50 is included between 49.78 and 50.21 in Column A; the rate in Column B opposite thereto is 57½, or \$57.50 per car, which is the rate to apply.

(b) Where tariff or prior supplements thereto, as enumerated herein, name rates in cents per car of a specified weight, and provide that excess

weight will be charged for in proportion, first determine the per car charge by the method shown in rule 6(a), and then determine the charge on the actual weight of the car by the following method:

If the new rate of \$57.50 applies per car of 20,000 pounds, the charge for a car of 26,000 pounds will be $\frac{26000}{20000}$ of the rate for 20,000 pounds, thus $\$57.50 \times \frac{26}{20}$ equals \$74.75, which is the charge for a car of 26,000 pounds.

RULE FOR ARRIVING AT RATES HIGHER THAN SHOWN IN RATE TABLE

7. Where rates in tariff or prior supplements thereto, as enumerated herein, are higher than found in Column A, such rates will be increased — per cent, observing the following rule for the disposition of fractions, in obtaining the increased rates:

Fractions of less than $\frac{1}{4}$, or .25, omit.

Fractions of $\frac{1}{4}$, or .25 or greater, but less than $\frac{3}{4}$, or .75, state as one-half ($\frac{1}{2}$).

Fractions of $\frac{3}{4}$, or .75 or greater, increase to the next whole figure.

(Page 3)
TABLE OF RATES
[For application see page 2]

A		B	A		B	A		B
Over	But not over		Over	But not over		Over	But not over	
1.08	1.52	1 1/2	57.60	58.04	66 1/2	114.13	114.56	131 1/2
1.52	1.95	2	58.04	58.47	67	114.56	114.99	132
1.95	2.39	2 1/2	58.47	58.91	67 1/2	114.99	115.43	132 1/2
2.39	2.82	3	58.91	59.34	68	115.43	115.86	133
2.82	3.26	3 1/2	59.34	59.78	68 1/2	115.86	116.30	133 1/2
3.26	3.69	4	59.78	60.21	69	116.30	116.73	134

(Page 4)
[Lists of tariffs supplemented to be shown here and on following pages]

7. That the provisions of Circular No. 55, in Rules 4(i), 9(e), and 46, be and they are hereby temporarily waived in the particulars hereinbefore set forth, but not otherwise, as to special supplements filed under authority hereof. Such supplements may contain proposed changes in rates or charges that are held by outstanding orders of the Commission, but appropriate modification of such orders must be secured in each case before such changes become effective.

The Commission does not hereby approve any rates or charges that may be filed under this authority, all such rates or charges being subject to protest, suspension, complaint, investigation, and correction if in conflict with any provisions of the laws of the State of New York.

Completed by the various carriers filing schedules effective July 1, 1917. No. 6534; April 30, 1917; The Delaware, Lackawanna and Western Railroad Company.

Ordered: That under its application therefor The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, effective June 1, 1917, and on not less than twenty-five days' notice to the public and the Commission, a supplement to its tariff P. S. C., 2 N. Y., No. 2814, joint class rates in connection with the Lehigh Valley Railroad Company, filed to take effect June 1, 1917, for the purpose of reducing certain joint class rates shown therein as set forth in exhibit attached to said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction

and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to such traffic as to which this Commission has jurisdiction.

Completed by supplement No. 1 to P. S. C. No. 2814, effective June 1, 1917. No. 6535; April 30, 1917; Central New York Southern Railroad Corporation:

Ordered: That under its application therefor dated April 28, 1917, the Central New York Southern Railroad Corporation be and is hereby authorized to revise car demurrage rules Nos. 7 and 9 as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order, by filing within thirty days from the date of this order and on not less than five days' notice to the public and the Commission, a supplement to car demurrage tariff P. S. C., 2 N. Y., No. F-7. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having given special permission to make the same changes effective on short notice.

Completed by supplement No. 9 to P. S. C. No. F-7, effective May 11, 1917. No. 6536; Lehigh Valley Railroad Company, The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East), and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under applications therefor, the carriers herein specified be and they are hereby authorized to postpone until August 29, 1917, the effective dates of tariffs or items in supplements to tariffs applying on Iron Ore, in carloads, filed to take effect May 1, 1917, by filing under date of issue not later than May 1, 1917, without notice to the public and the Commission, supplements to their tariffs designated as follows: Lehigh Valley Railroad Company: tariff P. S. C., 2 N. Y., No. D-3362. The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east): tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 3182, 3183, 3184, 3185, and 3186; also third item, page 5, supplement No. 20 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2543; and fourth item, page 5, supplement No. 22 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2543. West Shore Railroad (The New York Central Railroad Company, lessee): tariffs P. S. C., 2 N. Y., W. S. Nos. 953, 954, and 955; also second item, page 4, supplement No. 15 to tariff P. S. C., 2 N. Y., W. S. No. 656. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order dated April 27, 1917, in I. & S. Docket No. 1080, suspended the effective dates of said tariffs and items in said tariff supplements as to interstate traffic; it is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereby.

Completed by the filing of proper supplements to tariffs referred to. No. G-9; April 7, 1917; Westchester Lighting Company:

Ordered: That under its application therefor of date April 6, 1917, the Westchester Lighting Company be and is hereby authorized to amend, on not less than five days' notice and effective May 1, 1917, its general schedules for gas, P. S. C., 2 N. Y., Nos. 4, 5, and 6, for the purpose of revising Service Classifications Nos. 1 therein, to reduce the rates for gas in the villages of Port Chester, Tarrytown, and North Tarrytown, and the city of White Plains, to \$1.25 per thousand cubic feet. Such general schedule amendments shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of this Commission established thereunder, and bear the following notation: Issued under special permission of the Public Service Com-

mission, Second District, State of New York, No. G-9, of April 7, 1917. This authority is granted to enable the establishment of certain rate reductions pursuant to suggestions of the Commission in its order of date April 6, 1916, in cases Nos. 100, 474, and 1154.

Completed by schedules effective May 1, 1917.

No. T.&T. 124; April 27, 1917; Federal Telephone & Telegraph Company:

Ordered: That under its application therefor dated April 27, 1917, the Federal Telephone & Telegraph Company be and is hereby authorized to file, effective May 1, 1917, and on not less than one day's notice to the public and the Commission, a local general tariff applying to the territory served by Ithaca central station, reissuing First Revision of P. S. C., N. Y., No. A-41, filed to take effect May 1, 1917, for the purpose of reducing the annual gross base rates applying within the municipal limits of Ithaca, as follows: Individual Line: Business, from \$51 to \$45; Residence, from \$33 to \$30. Two-party Line: Business, from \$45 to \$39; Residence, from \$27 to \$26. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective May 1, 1917.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in said city.

Upon the consent, in writing, of the Erie Railroad Company, by R. S. Parsons, assistant to the president and chief engineer, under date of April 14th last; and upon consent of the City of Jamestown as evidenced by a resolution adopted by its common council on the 23rd day of April last, in order to make more plain and certain the intent of the order of this Commission herein duly made and entered on the 10th day of July, 1916, the fourth clause of said order is hereby amended to read as follows:

"*Fourth:* It is further expressly provided, and this order is made upon the condition, assented to by the Erie Railroad Company, that said railroad company makes and will make no claim against the State of New York and no charge against this elimination project for damages to its existing station building or station property in Jamestown due to the elimination of the grade crossings involved herein, or for the cost of the new station building which it proposes to erect in connection with this improvement, which new station and any additional station facilities not covered by this order or any order previously entered herein which facilities the railroad corporation may hereafter determine to provide, in elaboration of its plans for such new station, are to be made and provided at the expense of said corporation; it nevertheless being expressly understood that there shall be charged to the elimination account as an expense to be properly shared by the parties according to the statute which governs the apportionment of the cost herein, the cost of such filling as may be necessary to bring the present station area, or so much thereof as shall be required as a site for the proposed new station, to the level of the elevated trackway provided for by the original order herein, together with the cost of replacing the existing concrete and brick platforms and paving which form a part of and are incidental to the present station layout at Jamestown."

[Case No. 5946]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of KATONAH LIGHTING COMPANY under section 69, Public Service Commissions Law, for authority to issue \$35,000 in 30-year 6 per cent bonds under an existing first mortgage.

Petition filed March 20, 1917; report of division of light, heat, and power dated April 24, 1917; report of division of capitalization dated April 26, 1917. Now therefore, upon the foregoing record:

Ordered as follows: 1. That the Katonah Lighting Company is hereby authorized to issue \$35,000 face value of its 6 per cent 30-year first mortgage gold bonds, under a certain indenture, deed of trust, or mortgage dated the 1st day of August, 1912, given to the Union Trust Company of New York (successor to the Washington Trust Company of the City of New York) as trustee, to secure an authorized issue of a total face value of \$125,000.

2. That said bonds of the total face value of \$35,000 may be sold for not less than their face value and accrued interest to give net proceeds of at least that sum.

3. That said bonds of the face value of \$35,000 so authorized, or the proceeds thereof to the amount of \$35,000, shall be used solely and exclusively for the following purposes:

(a) To be applied toward the discharge of the indebtedness outstanding at December 31, 1916, as follows, or the renewals thereof:		
bills payable, \$14,911.38; accounts payable, \$23,023.49:	\$37,934.87..	\$18,046.20
(b) For proposed extensions and improvements to the property and system of the petitioner as described in the petition herein, and in schedule B attached thereto, as follows:		
1. Improvements and re-vamping of line from power plant at Bedford Hills to village of Katonah, at junction of Parkway and Katonah Ave., by addition and installation of three No. 2 tp. wp. wires.....		\$5,511.60
2. Construction and extension of transmission lines in town of Lewisboro, on highway known as Mead street at Lake Waccabuc, from Mead Memorial Chapel one-half mile northerly		599.75
3. For construction and extension of distribution lines as follows: In town of Bedford, and the premises of Gordon Knox Bell on the Katonah-Cross river road, one mile northerly and westerly to a section known as Mount Holly	\$1,134.50	
From Succahone Corners easterly and westerly a distance of two miles.....	2,157.80	
In the town of Lewisboro, from flag pole in South Salem village southeasterly along state road to Craft's Corners, and thence southerly, a distance of three miles.....	3,813.10	
From South Salem on the mountain road to Ridgefield, northerly a distance of one mile	1,134.50	
From South Salem state road southwesterly, a distance of one and one-quarter miles...	1,326.70	
		9,566.60
4. For extensions and improvements along the distribution lines in the territory now served by the petitioner, transformers, and meters, etc.....	1,275.85	
		<u>16,953.80</u>
		<u>\$35,000.00</u>

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (b) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction and improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of the bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in schedule B of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Com-

mission as the actual cost of the work to be done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such work, the actual cost of which must be actual expenditures made as defined in the Commission's Uniform System of Accounts for Electrical Corporations.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Katonah Lighting Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

5. That the Katonah Lighting Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause 3 of this order there shall be shown the amount of proceeds of the bonds herein authorized used during such period for such purpose; (g) with respect to subdivision (b) of clause 3 of this order there shall be shown (1) in detail the amount expended during such period of the proceeds of the bonds herein authorized for each of the purposes described thereunder, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures during such period for each of the purposes listed thereunder; (3) a summary showing the expenditures during such period by the prescribed accounts. In reporting under subdivision (g) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 2072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 91 of the Railroad Law as to the elimination of grade crossings of its railroad in the village of Ossining.

In the above entitled matter, the Village of Ossining having acquired certain parcels of land the entire areas of which were, however, not required or necessary for the purposes of the grade elimination work, such action by the village having been necessary in the interests of the financially responsible parties to this proceeding; and the Village of Ossining, by its corporation counsel, having asked the approval of this Commission to the public sale of such excess lands, and such consent having been given by this Commission under an order dated the 27th day of April, 1916, and The New York Central Railroad Company consenting thereto; and such public sale having been made, at which public sale such lands were struck down to the Village of Ossining for the sum of thirty-one hundred dollars (\$3100), it being the highest bidder therefor; now, upon reading the consent of The New York Central Railroad Company heretofore filed in this proceeding, dated April 13, 1916, signed by O. G. Getzendanner, general land and tax agent, and due proof of full compliance with the order of this Commission of April 27, 1916, aforesaid, as to the sale of such lands, and upon all of the papers and proceedings herein, it is

Ordered: That this Commission hereby approves and confirms the sale so made of such excess lands owned by the village and which were not necessary or required to carry out the Commission's determination herein, and which said sale of such excess lands was made at public auction on the 21st day of March, 1917, and that the proceeds of such sale be credited to the elimination account.

[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of the Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

Ordered: That a second intermediate accounting and settlement of expenses of The New York Central Railroad Company and the City of

Ogdensburg, incurred on account of work now in course of progress under order of this Commission in the above entitled matter, be entered into by the respective interested parties, said accounting to include expenditures to May 1, 1917.

[Case No. 5118]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the CENTRAL NEW ENGLAND RAILWAY COMPANY under section 91 of the Railroad Law as to changes in existing bridges carrying North street and North Clinton street over the said company's railroad in the city of Poughkeepsie.

Ordered: 1. That the first intermediate accounting entered into by the Central New England Railway Company with the City of Poughkeepsie and this Commission, showing expenditures to the amount of \$18,542.66, exclusive of interest, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$18,438.16 has been expended by the railway corporation and the sum of \$104.50 has been expended by the State of New York; said accounting having been accepted by the railway corporation as indicated by the signature of its vice-president, and by the City of Poughkeepsie as indicated by the signature of its president of the board of public works.

2. That of the total amount of \$18,542.66 thus expended and herein accounted for, the share of and the amount chargeable to the Central New England Railway Company is the sum of \$9271.33, the share of the City of Poughkeepsie is the sum of \$4635.66, and the share of the State of New York is the sum of \$4635.67: \$18,542.66. The State of New York as above stated having expended in connection with this project the sum of \$104.50, the amount now due and payable by said State of New York to the Central New England Railway Company from funds appropriated for the elimination of grade crossings is \$4531.17.

[Case No. 5772]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the UNITED TRACTION COMPANY's proposed new passenger fares and charges, and regulations and practices affecting such fares and charges.

The City of Rensselaer, N. Y., by its mayor, John H. McIntyre, filed with this Commission on March 27, 1917, a petition which he requested should be

considered as an original complaint against the United Traction Company, or as an application for a rehearing in this case. Inasmuch as the subject of the petition is properly a matter for consideration in this case, it will be so considered rather than as an original complaint against the respondent, United Traction Company. The petition sets forth only one fact which is urged as a sufficient ground for a complaint against the corporation or for a reopening of the case: viz., that under certain franchises granted to the United Traction Company and its predecessors, it is obliged to issue transfers from the lines operating in the city of Rensselaer to the cars operating on the Albany-Troy line and *vice versa*, and to carry passengers from Rensselaer to Troy for ten cents. While it may be that prior to the formation of the Public Service Commission, the traction company was obligated to transfer passengers from the lines operating in Rensselaer to Albany and Troy cars, and also to charge a fare of but ten cents from Rensselaer to Troy, yet the Commission now has the power to regulate the fares between Rensselaer and Troy notwithstanding any limitations which may have been made in the franchises under which the cars are operated. This power of the Commission has been upheld by the courts. See *People ex rel. North Shore Traction Co. v. Public Service Commission, Second District*, decided in Appellate Division, Third Department, December, 1916. Under the circumstances, therefore, in the judgment of the Commission sufficient reason for the rehearing asked for has not been made to appear; and it is therefore

Ordered: That the application of the petitioner herein for a rehearing in the above entitled matter be and the same hereby is denied.

[Case No. 5954]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the COLLIERS LIGHT, HEAT AND POWER COMPANY under subdivision 3, section 61, Transportation Corporations Law, for consent to merge into itself Hartwick Power Company under section 15, Stock Corporation Law.

Petition filed April 2, 1917; hearing held April 25, 1917; affidavit of secretary of Colliers Light, Heat and Power Company as to acquisition of stock of Hartwick Power Company dated May 2, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Colliers Light, Heat and Power Company is hereby permitted to merge the Hartwick Power Company, and consent is hereby given to the exercise by the former of all the rights, privileges, and franchises of the latter; and within thirty days after such merger shall have become effective, the Colliers Light, Heat and Power Company shall file with the Commission a verified report setting forth the exact date of such merger.

2. That the merger herein authorized shall be recorded upon the books of the Colliers Light, Heat and Power Company by debiting and crediting to like accounts thereon the balances in such accounts upon the books of the Hartwick Power Company at the effective date of the merger.

3. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the Colliers Light,

Heat and Power Company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

[Case No. 5955]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE DEPOSIT ELECTRIC COMPANY under subdivision 3, section 61, Transportation Corporations Law, and section 70, Public Service Commissions Law, for consent to merge into itself Southern New York Power Company.

Petition filed April 2, 1917; hearing held April 25, 1917. Now therefore, upon the foregoing record,

Ordered as follows: That The Deposit Electric Company is hereby permitted to merge the Southern New York Power Company, and consent is hereby given to the exercise by the former of all the rights, privileges, and franchises of the latter; and within thirty days after such merger shall have become effective The Deposit Electric Company shall file with the Commission a verified report setting forth the exact date of such merger.

2. That the merger herein authorized shall be recorded upon the books of The Deposit Electric Company by debiting and crediting to like accounts thereon the balances in such accounts upon the books of the Southern New York Power Company at the effective date of the merger.

3. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof The Deposit Electric Company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

[Case No. 5956]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the **COLLIERS LIGHT, HEAT AND POWER COMPANY** under subdivision 3, section 61, Transportation Corporations Law, for consent to merge into itself Southern New York Power Company, now The Deposit Electric Company, under section 15, Stock Corporation Law.

Petition filed April 2, 1917; hearing held April 25, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Colliers Light, Heat and Power Company is hereby permitted to merge The Deposit Electric Company, and consent is hereby given to the exercise by the former of all the rights, privileges, and franchises of the latter; and within thirty days after such merger shall have become effective the Colliers Light, Heat and Power Company shall file with the Commission a verified report setting forth the exact date of such merger.

2. That the merger herein authorized shall be recorded upon the books of the Colliers Light, Heat and Power Company by debiting and crediting to like accounts thereon the balances in such accounts on the books of The Deposit Electric Company at the effective date of the merger.

3. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the Colliers Light, Heat and Power Company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

[Case No. 6005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of **THE RED JACKET TELEPHONE COMPANY** under section 101, Public Service Commissions Law, for authority to issue one share of common capital stock.

Petition filed May 2, 1917. Now therefore it is

Ordered: 1. That The Red Jacket Telephone Company is hereby authorized to issue one share of its stock of the par value of \$25, to sell such stock for not less than its par value, and to use the proceeds from such sale for working capital.

2. That The Red Jacket Telephone Company shall within thirty days of the service hereof advise the Commission whether or not it accepts this order.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said share of stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION, for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Ordered: That an accounting entered into by The New York Central Railroad Company with the City of Mount Vernon, showing expenditures with interest to an amount of \$9595.13 properly and necessarily incurred in the acquisition of various parcels of land in carrying out the Commission's order in the above entitled matter, be and it is hereby approved, said amount having been expended by the railroad corporation, and said accounting having been accepted by the City of Mount Vernon as indicated by the signature of its mayor. It is understood by the respective parties hereto that the purpose of this accounting is to effect a determination of the precise maximum amounts which, for the purpose of fixing the shares of the State of New York and of the railroad company, respectively, in the cost of the completed project, may be charged against the elimination account for purchase of land and for construction cost, respectively, as intended in the order of the Commission herein under date of December 16, 1915, such maximum amounts having been stated in said order as approximately \$9000 and \$27,900, respectively, but which, as result of this present determination, are now precisely fixed at the aforesaid sum of \$9595.13 as maximum cost of land, and \$27,304.87 as maximum cost of construction: in all the sum of \$36,900, with no interest to be added.

322 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. G.C.381]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law for an order determining that public safety requires that the crossings at grade of said company's railroad at North Pearl street and Van Woert street, in the city of Albany, shall be changed from grade, and that said streets shall be carried under said railroad.

The New York Central Railroad Company and the City of Albany have submitted to this Commission a verified statement of expenditures claimed to have been made in carrying out the order herein dated April 2, 1912, such expenditures amounting in the aggregate to \$464,704.83. After a careful investigation of the account thus presented this Commission has arrived at the conclusion, at a meeting held on April 20, 1917, that various of the expenditures set forth in the statement are not properly chargeable against the elimination account and accordingly ought not to be included in a determination of the cost of the improvement: the aggregate amount of the expenditures which in the opinion of the Commission has been improperly included in the account being the sum of \$6249.60, amounting with interest to \$7513.57, leaving as a balance of the account to be approved by this Commission as properly chargeable against the elimination project the sum of \$457,191.26: of which last mentioned amount the sum of \$306,888.40 has been expended by The New York Central Railroad Company, and the sum of \$150,302.86 has been expended by the City of Albany. It is now accordingly

Ordered: 1. That the accounting papers herein of The New York Central Railroad Company and the City of Albany now under consideration by this Commission shall be approved, after reducing the total amount in such accounting claimed to have been expended in carrying out the order of the Commission by the sum of \$7513.57, thus showing an aggregate expenditure chargeable to the elimination account of \$457,191.26, upon which basis the amounts chargeable to the parties for their respective shares as fixed and provided by the statute shall be and the same are hereby determined as follows:

Party	Share ½ of total cost	Expended	To pay	To receive
New York Central Railroad Company	\$228,595.62	\$306,888.40	.....	\$78,292.78
	¼ of total cost			
City of Albany.....	114,297.82	150,302.86	.....	36,005.04
State of New York.....	114,297.82	.....	\$114,297.82	.....
	<hr/>	<hr/>	<hr/>	<hr/>
	\$457,191.26	\$457,191.26	\$114,297.82	\$114,297.82

2. On December 22, 1915, the State of New York paid to The New York Central Railroad Company the sum of \$56,284.48, to which should be added for the purposes of this accounting interest thereon from the date mentioned in the sum of \$4003.46. On August 5, 1916, the State of New York paid to The New York Central Railroad Company on account of its share of the cost of this project the sum of \$8389.49, to which should be added for the purposes of this accounting interest thereon from the date mentioned in

the sum of \$284.16: \$68,961.59. On December 22, 1915, the State of New York paid to the City of Albany on account of its share of the cost of the elimination project the sum of \$33,940.11, to which should be added for the purposes of this accounting interest thereon from the date mentioned in the sum of \$2414.13: \$36,354.24: making as a total credit to which the State of New York is entitled \$105,315.83. Thus leaving due and payable by the State as the balance of its share of the cost of the improvement the sum of \$8981.99, making up its one-quarter of the total cost aforesaid stated to be \$114,297.82.

3. As aforesaid, there has been paid to the city by the State, herein, the sum of \$33,940.11, which under proper interest adjustment as above explained amounts to the sum of \$36,354.24. But as indicated by the summary in clause one hereof, it finally appears and is determined that the city is entitled to receive only the sum of \$36,005.04; from which it appears the city has received \$349.20 in excess of the amount to which it is entitled, which last mentioned sum rightly is due and payable to the railroad company.

4. There is now due and payable to The New York Central Railroad Company by the State of New York as the balance of its one-quarter share of all expenditures as properly made for account of this proceeding, the sum of \$8981.99; and there is now due and payable to The New York Central Railroad Company by the City of Albany as the balance of its one-quarter share of all expenditures as properly made for account of this proceeding, the sum of \$349.20.

[Case No. 4877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the use of oil-burning locomotives by
the GRASSE RIVER RAILROAD CORPORATION.

The Grasse River Railroad Corporation, by its president, W. L. Sykes, having personally on May 3, 1917, requested a postponement of the effective date of the order of this Commission requiring the use of oil-burning locomotives within the Adirondack Forest Preserve between 8 a. m. and 8 p. m., since the weather and snow conditions within said preserve eliminate any danger of fires being started; and the Conservation Commission having stated by letter dated May 3, 1917, that it is perfectly safe to grant an extension because there are still several inches of snow on the ground; and Commissioner Irvine having informed said railroad corporation by letter dated May 3, 1917, that the effective date of the above named order has been postponed until 8 p. m. of May 10, 1917, with the understanding that the use of said coal-burning locomotives as aforesaid must be discontinued within 24 hours of receipt of notice from this Commission so to do; and having also informed said corporation that the Commission is of the opinion that no further extension of time beyond May 10, 1917, should be considered; now therefore

Ordered: That the above action of Commissioner Irvine be and hereby is in all respects approved.

[Case No. 4965]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1917.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF WATERTOWN under section 91 of the Railroad Law for an order determining that the Court Street grade crossing of the New York Central railroad in said city shall be changed to an over-crossing.

On May 16, 1915, the City of Watertown, by its mayor and common council, filed its petition with this Commission, alleging that by reason of the facts therein set forth the Court Street crossing of the New York Central railroad is dangerous, and that public safety requires an alteration in the manner of crossing. It is further alleged in the petition that at a meeting of the common council of said city held April 6, 1915, a resolution was passed submitting to the taxpayers the proposition "to raise by the issue of bonds of the City of Watertown, New York, not to exceed the sum of \$82,500 for the purpose of building and constructing a bridge, structure, or structures, with necessary appurtenances, across Black river, in the city of Watertown, on Court and LeRay streets, at about a point where the present Court Street bridge now is, for the purpose of eliminating the grade crossing in Court street". The resolution further contemplated the payment of \$15,000 by the Black River Traction Company for the privilege of using the upper level of such bridge, making in all for the share of said city and traction company the sum of \$97,500. Court street, one of the most important streets of Watertown, carrying a large traffic, crosses the existing three tracks of the Watertown branch of the St. Lawrence division of the New York Central railroad about 0.4 mile west of the railroad company's station in Watertown, the tracks running in an easterly and westerly direction on approximately a 6 degree curve. North of and roughly paralleling, and distant about 200 feet from the railroad, is the Black river. Approaching from the heart of the city, the street runs in a north and south direction, slightly bending to the right before reaching the tracks, which it crosses at grade on an angle of about 50 degrees. Immediately after crossing the tracks it bends sharply to the right, intersecting Newell and River streets, each substantially parallel with the railroad and lying between it and the Black river, crosses the Black river on an old iron bridge approximately at right angles to its shore lines, and continues thence to the junction of Main and LeRay streets at a short distance from the bridge. This bridge over the river is unsafe for heavy loads and of insufficient capacity to accommodate the traffic. The city being thus under the necessity of providing for a new structure with a roadway on the level of that of the existing bridge, and desiring at the same time the elimination of a very dangerous grade crossing: which latter, under an overhead scheme, would require a structure over the river with a roadway at a higher elevation, has proposed that these two structures be combined in one which would provide for the two roadways at the different levels, and has offered to pay all of the cost of such a structure which would be occasioned by the construction and support of the lower level. These conditions are here set forth in explanation of the foregoing quotations from the petition.

After several conferences between this Commission, representatives of the city, and the railroad corporation, and others, to determine the best and most feasible plan of effecting the elimination and of its probable cost, a confer-

ence of engineers representing the railroad corporation, the city, and the Commission was held for the purpose of reaching an understanding not only as to the cost of the entire project based upon the plan favored by the city, but also to determine what part of such cost would in their judgment be due to the construction and support of the lower deck or level of the structure over the Black river. The conclusions of the engineers, as set forth in a signed memorandum of March 6, 1917, on file with this Commission, are that under existing conditions the probable cost of the entire project, everything included, would be \$295,000; the cost of the lower deck or level of the Black River bridge, \$35,000; leaving an amount chargeable to the elimination of the crossing of \$260,000, of which the share of the railroad corporation under the statute would be \$130,000, the share of the City of Watertown \$65,000, and the share of the State of New York \$65,000.

The city by its common council on March 12, 1917, finally passed a resolution (certified copy thereof being on file with this Commission) requesting and authorizing the Commission to make a determination herein based on the last above mentioned estimates of cost; with the understanding that the order to be entered shall provide that the shares of the railroad corporation and of the State shall not exceed the sums of \$130,000 and \$65,000 respectively. After proper notice to all parties in interest, a public hearing as required by law, was held by this Commission in Watertown on April 13, 1917, due proof of publication of such notice and of personal service thereof on property owners being of record. At this hearing appeared Isaac R. Breen, mayor, and H. L. Hooker, corporation counsel, with E. W. Sayles and William Mueser, engineer, for the City of Watertown; Purcell, Cullen & Purcell (by Henry Purcell, jr.), and B. S. Vorhees, for The New York Central Railroad Company; George W. Reeves, personally as a taxpayer and for other taxpayers, and for William E. Hudson and Lizzie O'Connor, property owners; Smith & Phelps (by Charles H. Phelps), B. A. Field, John Conboy, Pitcher & O'Brien (by Mr. Pitcher), Moore & Bamerick, and Field & Swann (by Mr. Swann), attorneys for property owners; and S. R. Cleveland, property owner, in person. As proof of the dangerous situation at this grade crossing and the necessity for its elimination, the railroad corporation submitted in evidence a schedule of accidents which have occurred at this point and the result of a count extending over a period of three days of travel. From this count the average figures per day's travel over the intersecting point shows the following: trains, 63; vehicles, 811; pedestrians, 2543. At this hearing there was also submitted a plan (exhibit 2) showing a scheme for the separation of grades by depressing Court street so as to permit its surface to pass under the grade of the tracks. The estimated cost of carrying out this plan, including land and damages, is \$265,000. This plan is not favored by the city. Its execution, however, would be possible without any regard so far as the elimination project is concerned to the rebuilding of the River bridge, which latter it is estimated would cost between \$45,000 and \$50,000. Another plan (exhibit 1) provides for carrying the highway traffic over the grade of the railroad by means of a structure located east of the present crossing and the existing River bridge, that part of the structure spanning the river to have two floor levels or decks. This plan is similar to the plan which formed the basis of the estimate of \$295,000 herein referred to. Objections by property owners and others to the project as favored by the city were based mainly upon the ground of interference with access to property, of increased length of haul necessary for traffic originating on either River street or Newell street southbound, and upon the allegation that the plan now favored by the municipality differs materially from the one forming the basis of the vote at a special election held May 4, 1915, at which an issue of bonds to meet the city's share of the then estimated cost of the elimination project was approved.

To carry out the plan favored by the city (hereinafter referred to as the City plan) will require the acquisition of a parcel of the county jail property located on the north side of the tracks, title to which, as the Commission is informed, is in the County of Jefferson. In order that no question may subsequently arise as to the right of the county to dispose of such parcel, the Legislature has by chapter 139, laws of 1917, conferred such authority

upon the Board of Supervisors; and while no action has been taken by the county indicating its willingness to a transfer of title to the city, this Commission is, nevertheless, reliably informed that for the purposes of this proceeding such action will be taken if and when desired. There are three tracks over Court street at the present time. The right of way of the railroad corporation at the existing crossing is, however, sufficiently wide for the accommodation of five tracks. The City plan accordingly provides for a structure over the railroad of sufficient extent to accommodate five tracks, with such vertical clearance as safety of employees demands and as may be required by the Commission. The Commission is of the opinion and has determined that public safety requires the elimination of this grade crossing, and after personal inspection by the Commissioner in charge and a careful study of the evidence and of various plans submitted and of all the considerations involved, has finally concluded that although its adoption will cause inconvenience to some through increased length of distance to be traveled, under all the circumstances the City plan appears to be the most scientific and satisfactory method of the proposed elimination, the inconvenience referred to being more than offset by the comfort, safety, and protection from personal injuries and property damage which will inure to the public from the elevation of this dangerous grade crossing of a steam railroad by one of the important thoroughfares of this busy and populous city. It is therefore

Ordered: That the Court Street grade crossing of the Watertown branch of the St. Lawrence division of the New York Central railroad be closed and discontinued, and that travel be diverted therefrom to a viaduct spanning the railroad right of way and the Black river, thus enabling highway traffic to pass over the grade of the railroad, the point of crossing the tracks to be immediately east of and adjacent to the present grade crossing, all as hereinafter more specifically described and as shown generally on a plan entitled "N. Y. C. R. R. Buffalo and East Watertown Branch St. Lawrence Division Elimination of Grade Crossing Court Street 0.4 mile west of Watertown Engineering Department—New York, December 21, 1916 Scale 1"=50' Issue No. A," said plan introduced in the evidence being marked as follows: "Public Service Commission Second District Apr. 13, 1917 Applicant's Ex. No. 1."

The alignment of the viaduct with respect to its center line shall be as follows: Beginning at a point in the center line of Court street as it exists at the present time on the south side of the tracks, distant from the existing middle track of the railroad about 385 feet; thence continuing on a prolongation of the center line of Court street as it exists south of said point a distance of about 90 feet; thence curving to the right on a radius of 250 feet a distance of about 215 feet; thence tangent to said curve, crossing the railroad tracks on an angle of 79 degrees 45 minutes, and the Black river, to a point in the center line of Main street about 12 feet east of its intersection with the center line of LeRay street. Massey street which now joins Court street on the south side of the tracks shall be re-located in part to form a new junction with the center line of the viaduct; the center line of such re-located portion shall run on a prolongation of the tangent center line crossing the railroad tracks and the river a distance of about 170 feet, and thence curve to the right or west on a 250-foot radius a distance of about 95 feet to a point in the center line of Massey street as it exists. The above named two center lines shall be connected by a roadway with center line on a curve of 69-foot radius.

Around the above described lines on the south side of the tracks an earth embankment of varying width partly retained by walls shall be constructed to a bench wall whose face shall be distant approximately 45 feet from the center of the present middle track; from this wall a reinforced concrete arch of 90-foot span between skewbacks with intrados so designed as to provide a headroom over the three existing and the future southerly track of 22 feet and over, the future northerly track of 21 feet 6 inches (taking into account the superelevation of rails), shall span the railroad right of way and tracks; continuing northerly there shall be two reinforced concrete arches of about

57½ feet span each, with supporting piers extending to the southerly bank of the river. Over the river shall be a single span reinforced concrete arch about 210 feet long, extending to the north shore, from which point the viaduct shall consist of a series of short reinforced concrete spans and an earth embankment retained by walls to its terminus at Main and LeRay streets.

Beginning at the point of divergence of the new and old lines of Court street on the south side of the tracks, the grade of the roadway on the new structure as above described shall ascend toward the north at the rate of 4½ per cent a distance of about 190 feet; thence by vertical curve about 110 feet long to an ascending grade of 2 per cent about 45 feet long; thence by vertical curve 50 feet long to a continuously descending 5.3 per cent grade across the river to Main street: the existing surfaces of Main and LeRay streets to be adjusted to meet this viaduct grade. The re-graded surface of Massey street shall be on a descending 2 per cent grade toward the south for about 145 feet, from which point it shall ascend at the rate of 2 per cent to meet the present grade of the street. Vertical curves whether or not herein specifically described shall join all new and old street grades.

That part of Court street on the south side of the tracks lying between the present east line of the street and the east line of the viaduct shall be re-graded to provide access to the property lying between the railroad and the end of the new grade.

The reinforced concrete arch spanning the Black river shall support two decks or floors: the upper on a grade of 5.3 per cent above described being designed for all traffic crossing the railroad; the lower deck is intended as a substitute for the existing bridge, thus providing an outlet from River and Newell streets. This lower deck shall be built on a slightly descending grade toward the north, the total fall being about 2 feet. Egress from this lower deck shall be provided on the north side of the river by two approaches, one on each side of the main viaduct, whose roadway surfaces meeting the surface of that of the lower deck shall ascend toward the north on grades of about 6 per cent to Main street, all substantially as shown on the City plan, exhibit No. 1.

All of that part of the viaduct including the upper deck of the span over the river from Main street to the end of the arch construction on the south side of the tracks shall have a roadway 38 feet wide in the clear. On account of the irregular outline of the embankment on the south side of the tracks, the roadway to be built thereon must necessarily be of varying widths; the 7-foot sidewalks, however, shall be continued from the viaduct: the westerly one along the Massey Street approach, the other along the Court Street approach. Such parts of Main street and LeRay street as require grade revision shall have roadways and sidewalks identical in width with those now existing on these streets, and on each of the two side approaches adjacent to the viaduct on the north side of the river there shall be a roadway not less than 12 feet wide, each roadway flanked by a 4-foot wide sidewalk connecting the sidewalks on Main street with those on the lower deck of the river span. The Commission, however, suggests that with respect to the easterly of these two side approaches additional property be acquired in order that the roadway may be constructed to a width greater than that shown upon the plan, for the purpose of providing the easiest possible connection with Main street. Additional sidewalks shall be built on the wye connection between Massey and Court streets and on the re-graded part of Court street in front of the Frederick Hotel. All sidewalks shall be of concrete, and all new and re-placed pavements of brick.

A concrete stairway shall be built from the re-graded surface of Massey street to the level of the jail property; and also one reaching from the viaduct surface to a point near the present northeasterly corner of Court and River streets.

Moulded concrete railings shall margin the exterior of both sidewalks on the viaduct for its entire length, and a sufficient number of lamp posts to insure proper lighting throughout shall be installed.

Wherever shown upon the plan, and at such other points as may be neces-

sary, retaining walls for the support of the structure or to prevent its encroachment on private property shall be built: and the open or arch portion of the viaduct shall have a floor of such design as to permit the laying of a double-track street railroad, tracks to be symmetrical about the center line. Provision for such tracks shall also be made on the earth approaches.

The lower deck of the structure over the Black river shall be subdivided as follows: a pipe gallery 5 feet wide in the center; two roadways each 13 feet wide (12 feet between curbs), one on each side of the center; and two sidewalks each about 9 feet wide (minimum width 4 feet), one exterior to each roadway. This deck is to be hung from and supported by the four arch ribs. The sidewalks shall be of concrete; the roadways, brick paved.

The requisite number of ducts and outlets and other facilities for wiring for electric lights shall be provided, and a sufficient number of catch-basins with sewer connections installed to permit rapid disposal of surface drainage.

The existing grade crossing shall be left open until construction conditions render this no longer advisable or possible; the time of closing, either temporary or permanent, of the old crossing nevertheless to be determined by this Commission.

It will be necessary for the City of Watertown to maintain the existing iron bridge over the river until the completion of the lower deck on the river span and the approaches thereto. When travel can be diverted to the new structure the old bridge shall be removed at the entire expense of the city.

In case the city desires to round the corner at the northeasterly intersection of Main and LeRay streets as shown upon the plan, the damages resulting therefrom shall be borne entirely by the city: no part thereof charged to the railroad corporation or the State.

While the necessary means of wiring for electric lights, including ducts, outlets, etc., are chargeable to the elimination account, the cost of wiring, its installation, the lamps, lamp posts, etc., are not so chargeable, and the cost thereof shall be borne solely by the city.

In accordance with the aforesaid understanding and resolution adopted by the city, the City of Watertown shall assume, pay, and discharge the entire cost of the lower deck of the bridge over the Black river. It shall further assume, pay, and discharge so much of the entire cost and expense of the construction and work necessary for the elimination of the grade crossing as herein authorized and provided for including the cost of any land, rights, or easements necessary or required for the purpose of carrying out the provisions of this order, and of any land or other damages whatsoever which may arise by virtue thereof as shall exceed the sum of \$260,000, which last mentioned sum is to be paid by the railroad company, the City of Watertown, and the State of New York, respectively, in such proportions as are fixed by statute in such cases made and provided; this order being granted upon the express condition that no financial liability or obligation whatsoever in excess of one-half the sum of \$260,000 shall attach to or fall upon The New York Central Railroad Company, and that no such financial liability or obligation in excess of one-fourth of said sum shall attach to or fall upon the State of New York, on account of the acquisition of lands, rights, or easements necessary or required, the construction and work, or for any other incidental expenses herein authorized and provided for; and that no sum in excess of one-fourth of said \$260,000 shall be payable or paid on account of the State's share of the cost of this elimination project out of any moneys which may have been or may be appropriated by the Legislature of the State of New York for the purpose either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise.

The acceptance of this order by the City of Watertown shall be deemed as an undertaking on its part to save The New York Central Railroad Company, the State of New York, and this Commission harmless from all costs, expenses, claims, or demands whatsoever on account of this order and of any provisions thereof in excess of one-half and one-fourth of the sum of \$260,000: the sums of \$130,000 and \$65,000 respectively, representing respectively one-half and one-fourth of the sum of \$260,000, agreed upon by all parties in interest as the maximum cost, interest included, of the elimination project for the purposes of an accounting under the statute.

It is understood and agreed that the framework of the overhead bridge and the abutments which within the meaning of section 93 of the Railroad Law the railroad corporation is obliged to maintain and repair, as applied to this structure, shall be considered to consist of the single arch spanning its right of way from skewback to skewback; and that all other parts of the structure shall within the meaning of the same section be considered as "approaches," the maintenance of which, together with the roadway over the entire structure, shall be borne by the city.

[Case No. 5788]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR.
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the TOWN BOARD (including the Town Superintendent of Highways) of THE TOWN OF PAVILION, Genesee county, and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY under section 91 of the Railroad Law as to the closing and discontinuance of a grade crossing of said railroad by what is locally known as the Hendee Road highway.

In the town of Pavilion, Genesee county, the Delaware, Lackawanna and Western railroad, running in an easterly and westerly direction, is crossed by three highways within a distance of about 3200 feet. The most westerly one of these, a state road, route No. 16, is to be carried under the grade of the railroad, in accordance with an order of the Commission of October 20, 1916; the most easterly is the LeRoy-Covington road. Between these two highways, which parallel each other, and each of which crosses the railroad at substantially a right angle, there is a connecting highway which joining the east and west roads respectively at approximately right angles crosses the railroad on a very sharp skew. This connecting highway is known as the Hendee road. It is proposed to eliminate this grade crossing by the Hendee road by the construction of a new road adjacent to the southerly right of way line of the railroad from the Hendee road easterly to the LeRoy-Covington road, so that the Hendee connecting highway throughout its entire length shall lie to the south of the railroad. After proper notice to all parties in interest a hearing was held by this Commission on March 14, 1917, due proof of publication of such notice and of personal service thereof on property owners being of record. At such hearing there appeared L. I. Babcock and G. E. Boyd for The Delaware, Lackawanna and Western Railroad Company; James E. Kelley and H. G. McKelvey for the State Commission of Highways; and W. L. Bradley, Robert L. Bradley, and A. H. Mason, property owners. There was no objection to the granting of the petition, but a suggestion was made that the new highway should be built adjacent to the northerly line of the railroad from the state highway easterly to the Hendee road, which latter throughout its entire length would then be entirely to the north of the railroad. The Commissioner in charge called attention to the fact that a road constructed adjacent to the railroad would be objectionable and dangerous by reason of the fact that the view toward the south would be entirely obstructed by the railroad embankment and the proposed subway, and that on account of a similar consideration the Commission had recently denied an application for the elimination of a grade crossing. It was nevertheless

agreed that a further study should be made to ascertain whether or not the new highway could be built in such a manner as to overcome this objectionable feature.

On April 10th a conference for the further consideration of this subject was held at Pavilion, representatives of the town board, of the State Department of Highways, and of this Commission attending. After a full discussion of the two plans proposed as above outlined, the town board concluded that it would favor the construction as originally contemplated and proposed in the petition herein, as evidenced by adoption of the following resolution, copy of which is on file with this Commission:

Resolved, That the Town Board of Pavilion reaffirm the petition as to the proposed new section of highway on the Law Schoolhouse road as it was originally signed: that is, to have the new section of highway built to the south of the D., L. & W. R. R.

A plan before the conferees at this meeting, showing the highway built on the south side of the road as proposed in the aforesaid resolution, said plan being on file with this Commission, was also approved, as indicated by the signatures thereon of the full town board. As set forth in the petition, an agreement has been reached between the railroad company and the town whereby the former proposes "to bear the expense incident to acquiring the necessary land to open the proposed highway . . . and of grading said proposed new highway, and to furnish the gravel for the road surface of the new highway, which gravel shall be set off on the east end of the lead to the Buffalo, Rochester and Pittsburgh interchange tracks, which lead comes almost to the west line of the crossing". It is further agreed that the town at its expense shall haul and distribute this gravel for the surface of the new highway. This Commission, upon due consideration of the evidence and of all the circumstances connected with this proceeding, has finally determined that the petition should be granted. It is therefore

Ordered: 1. That the Hendee Road (also known as the Law Schoolhouse road) grade crossing of the Delaware, Lackawanna and Western railroad in the town of Pavilion, Genesee county, shall be closed and discontinued, and that travel be diverted to highways east and west of said crossing by means of the construction of a new road south of, adjacent to, and parallel with the southerly right of way line of the railroad from the Hendee road to the LeRoy-Covington road, all as shown upon a plan on file with this Commission dated February 14, 1917, said plan bearing the approval signatures of the Town Board of the Town of Pavilion.

The strip of land to be acquired for this new highway shall be 49½ feet wide, and upon this strip there shall be constructed a roadway 24 feet wide, and a gravel pavement not less than 14 feet wide and 6 inches thick, in accordance with a section shown on the plan above referred to, all to the satisfaction of this Commission.

Beginning at the Hendee road, the new highway surface shall ascend toward the LeRoy-Covington road on a uniformly ascending grade of 0.102 per cent.

In pursuance of the agreement set forth in the petition herein, The Delaware, Lackawanna and Western Railroad Company shall assume, pay, and discharge the entire cost and expense of acquiring the necessary lands to carry out the improvement herein provided for, including the cost of any rights or easements necessary or required for the purpose of carrying out the provisions of this order, and of any land or other damages whatsoever which may arise by virtue thereof. It shall further pay and discharge the entire cost of grading, and shall at its own cost and expense furnish the gravel at the east end of a lead to the Buffalo, Rochester and Pittsburgh interchange tracks. The Town of Pavilion shall at its own cost and expense deposit this gravel along the said new highway in the manner herein provided for and as shown upon the plan accepted and approved by the Town Board; this order being granted upon the express condition that no financial liability or obligation whatsoever shall attach to or fall upon the State of New York on account of the acquisition of lands, rights, or easements necessary or required, construction work, or any other expenses whatsoever incidental to carrying out the provisions of this order. The acceptance of

this order by The Delaware, Lackawanna and Western Railroad Company and the Town of Pavilion shall be deemed as an undertaking on their part to save the State of New York and this Commission harmless from all costs, expenses, claims, or demands whatsoever on account of this order and of any of the provisions thereof.

Unless otherwise ordered by this Commission, the Hendee Road crossing shall remain open until the completion of the work herein ordered and approval thereof by this Commission, after which it shall be closed by the erection of fences along a continuation of the right of way lines of the railroad.

[Case No. 5855]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of THE BATAVIA TIMES PUBLISHING COMPANY against AMERICAN EXPRESS COMPANY, alleging inadequate express service between Batavia and Buffalo.

The complainant in the above entitled matter having stated that the shipments referred to in the complaint have been handled more promptly since that complaint was filed with the Commission, and having consented that the case may be closed, it is

Ordered: That the above entitled case be and the same is hereby closed upon the books of this Commission.

[Case No. 5962]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Complaint of RUTLAND RAILROAD COMPANY under sections 33 and 49, Public Service Commissions Law, asking that its mileage book rate be increased from two cents a mile to two and one-quarter cents a mile; that the sale of 1000 mile ticket books shall be discontinued, and that there shall be substituted therefor the sale of 500 mile ticket books at said rate of two and one-quarter cents a mile.

The Rutland Railroad Company asks permission to discontinue the sale of 1000 mile tickets heretofore issued for \$20, or at the rate of two cents per mile, and to place on sale 500 mile tickets at the price of \$11.25, or at the rate of two and one-quarter cents per mile. The present mileage tickets

issued at two cents are valid only between stations in the State of New York. Elsewhere the rate is two cents and a-quarter. If this application be granted, the tickets issued under the proposed new tariffs will be good on all portions of the Rutland railroad system south of Iberville Junction, in the province of Quebec. A public hearing was held in Albany April 26, 1917, in pursuance of duly published notices, and there was no appearance in opposition to the application. It appeared from the evidence that the average revenue from the passenger traffic on trains operating in New York state during the year 1916 was, on the Chatham division, a little less than seventeen cents a mile; and on the Oglensburg division, a little less than fifty-nine cents a mile. The average operating expenses per passenger-train mile is estimated from the reports made to this Commission to be \$1.31. Increase in operating expenses, due to increased wages and increased price of coal and other supplies, is estimated for 1917 at \$842,980. Taxes also show an increasing tendency. The following table shows the total operating revenues, the passenger operating revenues, and the total operating expenses of the system for the years ended June 30, 1915, and June 30, 1916:

	1915	1916
Passenger operating revenue.....	\$1,129,730.63	\$1,204,751.38
Total operating revenue.....	3,479,389.32	8,875,097.81
Total operating expenses	2,547,050.98	2,638,093.66

Taxes for the year ended June 30, 1915, were \$204,466.29; and for the year ended June 30, 1916, \$204,896.86. The net operating income in 1915 was \$727,746.08; in 1916, \$1,032,091.12. No dividends were declared in either year. It is evident that the present rates are insufficient to yield a reasonable compensation for the service rendered, or to yield a reasonable return upon the value of the property used in the public service. The proposed increase in the mileage book rate establishes a uniform rate over all lines in this State and in Vermont, and is the rate now commonly in use by interstate carriers. The sale of 500 mile books instead of 1000 mile books is directly to the public advantage. It is therefore

Ordered: 1. That the Rutland Railroad Company be and it is hereby authorized to increase the maximum rate for mileage book tickets for use on its lines within the State of New York from two cents to two and one-quarter cents per mile, which rate the Commission determines is a just and reasonable rate to be hereafter observed and enforced as the maximum to be charged for such mileage book tickets for the transportation of persons on the lines of said railroad within this State.

2. That said Rutland Railroad Company be and it is authorized to discontinue the sale of 1000 mile mileage books, and to place on sale in lieu thereof 500 mile mileage books at the rate above specified.

3. That said Rutland Railroad Company be and it is hereby authorized to issue proper tariff supplement or supplements in accordance with the law and the regulations of the Commission in order to put in effect such changes in rates and practice.

4. Nothing herein contained shall be considered as preventing the Commission from reducing the mileage book rates of the petitioner if upon investigation it shall determine that the maximum rates herein provided for should be reduced.

5. That the respondent notify the Commission within ten days from the date of the entry of this order whether the terms of the same are accepted and will be complied with.

[Case No. 5969]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

Petition and Supplemental Petition of THE WESTCHESTER ELECTRIC RAILROAD COMPANY under section 53, Public Service Commissions Law, for permission to construct a second track in Main street, New Rochelle, and a double-track curve from Main street into Franklin avenue; and for approval of the exercise of a franchise therefor received from the city.

A petition and a supplemental petition under section 53 of the Public Service Commissions Law having been filed with this Commission by The Westchester Electric Railroad Company for permission to construct a second track of its street surface railroad, to be operated by the single overhead electrical trolley system, on a route in the city of New Rochelle hereinafter named, and for approval of the exercise of a franchise therefor received from the city; and a public hearing on said petitions, after due notice, having been held in the city of New York on May 7, 1917, Young, Seacord & Ritchie appearing for the petitioner, and no one else appearing; and this Commission determining from the papers and hearing that such construction and exercise of franchise are necessary and convenient for the public service, it is

Ordered: That this Commission, under section 53 of the Public Service Commissions Law, hereby permits and approves construction in the city of New Rochelle by The Westchester Electric Railroad Company of a second track of its street surface railroad, to be operated by the single overhead electrical trolley system, on Main street from Rose street easterly to a point fifteen feet easterly from the east corner of Main and Harrison streets, and a double-track curve from Main street into Franklin avenue to extend not more than fifty-eight feet southerly on Franklin avenue from the center line of Main street, with curves into Rose street, and with a single-track connection with a single track now in Main street at Rose, with necessary connections, switches, and crossovers for proper connection with tracks on Rose street and Franklin avenue; and hereby permits and approves the exercise by said company of a franchise for such construction granted said company September 5, 1916, by the council of New Rochelle, which franchise was approved by the mayor of said city, copy of which franchise certified by Charles Kammermeyer, clerk of the city, to be a true copy, is filed with this Commission with the papers in this case.

[Case No. 5975]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 10th day
of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE WESTCHESTER ELECTRIC RAILROAD
COMPANY under section 53, Public Service Commis-
sions Law, for permission to construct a single-track
extension of its street surface railroad on Winyah
avenue, in the city of New Rochelle; and for approval
of the exercise of a franchise therefor received from
the city.

A petition under section 53 of the Public Service Commissions Law having
been filed with this Commission by The Westchester Electric Railroad Com-
pany for permission to construct a single-track extension of its street surface
railroad, to be operated by the single overhead electrical trolley system, on
a route in the city of New Rochelle hereinafter named, and for approval of the
exercise of a franchise therefor received from the city; and a public hearing
on said petition, after due notice, having been held in the city of New York
on May 7, 1917, Young, Seacord & Ritchie appearing for the petitioner, and
no one else appearing; and this Commission determining from the papers and
hearing that such construction and exercise of franchise are necessary and
convenient for the public service, it is

Ordered: That this Commission, under section 53, Public Service Com-
missions Law, hereby permits and approves construction in the city of New
Rochelle by The Westchester Electric Railroad Company of a single-track
extension of its railroad, to be operated by the single overhead electrical
trolley system, with necessary connections, switches, sidings, and crossovers
for not more than two turnouts, in Winyah avenue between North avenue
(connecting with said company's railroad in North avenue), and the westerly
boundary line of the city (connecting again with said company's railroad);
and hereby permits and approves the exercise by said company of a franchise
for such construction granted said company June 6, 1916, by the council of
New Rochelle, which franchise was approved by the mayor of said city,
copy of which franchise certified by Charles Kammermeyer, clerk of the city,
to be a true copy, is filed with this Commission with the papers in this case.

[Case No. 6013]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

In the matter of the BUFFALO CREEK RAILROAD (Erie Railroad Company and Lehigh Valley Railroad Company, Lessees) proposed new switching charges at Buffalo, N. Y.

It appearing that there has been filed with this Commission a local freight tariff containing schedules stating new rates or charges, and regulations and practices affecting such rates or charges, to become effective May 21, 1917, designated as follows: "Buffalo Creek Railroad (Erie R. R. Co. and Lehigh Valley R. R., Lessees) Local Freight Tariff of Switching Charges at Buffalo, N. Y., P. S. C., 2 N. Y., No. 15"; it is

Ordered: That this Commission, upon its own motion and upon complaint filed with it by the Buffalo Chamber of Commerce, Buffalo, N. Y., shall without formal pleading enter upon a hearing concerning the propriety of the proposed rates or charges and regulations and practices stated in the schedules contained in said tariff, viz. Buffalo Creek Railroad (Erie R. R. Co. and Lehigh Valley R. R., Lessees) Local Freight Tariff of Switching Charges at Buffalo, N. Y., P. S. C., 2 N. Y., No. 15.

It further appearing that said schedules make certain increases in rates or charges for the switching of loaded cars at Buffalo, N. Y., and other special services rendered in connection therewith, and that the rights and interests of the public may be injuriously affected thereby; and it being the opinion of the Commission that the effective date of the schedules contained in said tariff should be postponed pending said hearing and decision thereon, it is further

Ordered: 1. That the operation of said schedules contained in said tariff be suspended and that the use of the rates or charges, regulations and practices therein stated, be deferred upon New York state traffic until the 20th day of June, 1917.

2. That a copy of this order be filed with said tariff in the office of this Commission, and that copy thereof be forthwith served upon the Erie Railroad Company and the Lehigh Valley Railroad Company as lessees of said Buffalo Creek railroad, and said lessees be and they are hereby made respondents to this proceeding, and that they be duly notified of the time and place of hearing hereafter to be fixed herein.

3. That upon receipt of this order by the said Erie Railroad Company and Lehigh Valley Railroad Company, lessees of the said Buffalo Creek railroad, respondents, they shall cause to be published and filed with the Commission proper supplement containing notice of this order of suspension, stating that said tariff is under suspension and that the schedules contained may not be applied or charged upon New York state traffic until June 20th next, unless otherwise ordered by this Commission. Such supplement shall also refer by proper P. S. C., 2 N. Y., number to the tariff in which rates or charges, and regulations and practices affecting rates or charges, during the period of suspension may be found. The title-page of said tariff supplement shall show date of issue and bear notation "Issued under order of the Public Service Commission, Second District, State of New York, of date May 10, 1917, in case No. 6013".

[Case No. 3457]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MURRAY ELECTRIC LIGHT AND POWER COMPANY for authority pursuant to the provisions of section 69 of the Public Service Commissions Law to issue bonds.

Second
supplemental
order.

By order herein dated August 19, 1913, the Murray Electric Light and Power Company was authorized to issue and sell for not less than their face value \$50,000 face value of 6 per cent first mortgage gold bonds, and to use the proceeds realized from the sale for organization expenses, discharge of indebtedness, extensions, and improvements to its plant and property, etc., as set forth in clause 3 of said order. According to verified reports filed herein in accordance with the requirements of the aforesaid order, it appears that \$33,000 face value of such bonds have been issued and the proceeds realized from their sale have been used for authorized purposes, leaving an unissued balance of \$17,000 face value. Under date of March 28, 1917, the Orange County Public Service Corporation, in case No. 5155, was authorized to issue and sell its securities and to use the proceeds for the purchase of the property and assets of several corporations, including the Murray Electric Light and Power Company. Therefore, under date of April 26, 1917, a supplemental order was entered in this case [No. 3457] amending the original order herein dated August 19, 1913, to authorize the issuance of only \$33,000 face value of bonds, and vacating authority to issue \$17,000 face value in addition thereto.

By petition filed herein on the 7th day of May, 1917, the Murray Electric Light and Power Company states that the Orange County company will not purchase its property, and it will, therefore, still be obliged to do its own financing, which will make necessary the issuance of said \$17,000 face value of bonds as yet unsold, and asks that the Commission vacate its supplemental order herein dated April 26, 1917. Now therefore it is

Ordered: That the supplemental order herein dated April 26, 1917, is hereby vacated, and this case is hereby reopened upon the records of the Commission.

[Case No. 3500]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of THE DELAWARE AND HUDSON COMPANY for authority under section 55 of the Public Service Commissions Law to issue \$5,000,000 of its first and refunding mortgage bonds, secured by its first and refunding mortgage to The Farmers' Loan and Trust Company dated May 1, 1908.

Amendatory
order.

Application dated March 26, 1913; order entered June 3, 1913; superseding order entered October 9, 1913; hearing held January 29 and 30, 1914; supplemental petition filed December 18, 1916; report of division of capitalization dated April 30, 1917; hearing held April 30, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That ordering clause No. 4 of the order of October 9, 1913, is hereby amended to read as follows:

4. That such bonds or the proceeds thereof shall be used for the following purposes and no others whatsoever, as specified in its petition filed December 18, 1916: Payment of obligations owing at December 31, 1912, or their renewals, incurred for additions and betterments as follows:

For cost of land for second track of railroad between Schenectady and Delanson (in May, 1911).....	\$17,400.35
For new shops at Watervliet, N. Y. (between May, 1912, and December 31, 1912).....	856,694.02
For roundhouse, etc., at Carbondale, Penna. (between May 1, 1912, and December 31, 1912).....	124,577.12
For terminal yards at Carbondale, Penna. (between May 1, 1912, and December 31, 1912).....	8.00
For coal storage and transfer facilities at Glenville, N. Y. (between May 1, 1912, and December 31, 1912).....	63,879.80
Right of way and station grounds.....	\$60,852.38
Other land purchases.....	7,329.71
Grade reduction and changes of line.....	238,972.23
Bridges, trestles, and culverts.....	201,197.45
Increased weight of rail.....	43,539.85
Improved frogs and switches.....	199.00
Track fastenings and appurtenances.....	10,061.51
Sidings and spur tracks.....	202,746.85
Terminal yards	81,926.64
Fencing right of way.....	245.82
Elimination of grade crossings.....	66,109.99
Block and other signal apparatus.....	7,832.67
Water and fuel stations.....	6,281.08
Station buildings and fixtures.....	48,232.27
Shops, engine houses, and turntables.....	150,941.62
Electric light and power plants.....	148,810.64
Equipment	662,806.69
Other additions and betterments.....	16,881.49
	<hr/>
	1,899,466.89
Total amount of obligations petitioned to be paid.....	\$2,962,026.18
For expenditures after December 31, 1912, to complete additions and betterment projects under way at December 31, 1912, detailed in schedule 1 attached to the supplemental petition.....	1,781,931.54
For expenditures for proposed addition and betterment projects to be begun after December 31, 1912, detailed in schedule 2 attached to the supplemental petition.....	1,109,848.97
	<hr/>
	\$5,853,806.69
Face value of bonds reserved.....	\$500,000.00
Face value of bonds authorized.....	4,500,000.00
	<hr/>
	5,000,000.00
Amount apparently unprovided for.....	\$853,806.69

provided that the reservation and withholding of authorization to issue bonds of the face value of \$500,000 applied for in the petition of the company shall not be applied against the two items named above to the amount of \$1,781,981.54 and \$1,109,848.97, it being intended to allow at this time the amounts applied for to cover projects under way and future additions and betterments, and to withhold for the present the authorization to issue \$500,000 face value of bonds applied for, for the payment of obligations.

2. That this proceeding is hereby continued upon the records of this Commission until the examination which is now being made of the books, accounts, and affairs of the petitioner shall have been concluded and the corrections, if any, which are found necessary by reason of such examination shall have been made in the accounts of said company.

3. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4008]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the ORANGE COUNTY TRACTION COMPANY for consent to issue additional bonds under its existing mortgage, and to pledge the same as collateral to temporary loans for repayment of moneys used for construction purposes.

Second
supplemental
order.

By an amendatory order herein dated December 16, 1913, the Orange County Traction Company was authorized to pledge \$60,200 face value of its 5 per cent 50-year gold mortgage bonds as "security for short-time notes of a period of maturity not greater than six months from the date of issue thereof, of the total principal sum of not less than \$45,000". By supplemental petition filed herein on the 3rd day of November, 1915, the petitioner stated, that due to the condition of the money market it was unable to pay said loan, and asked that the Commission authorize *nunc pro tunc* the pledging of \$60,000 face value of said 5 per cent 50-year gold mortgage bonds for a six months' 6 per cent note dated June 12, 1913, of \$45,000 face value, from the expiration of the aforesaid authority to the date of filing of such supplemental petition; and that it further authorize the company to continue such pledging until December 1, 1916, under similar conditions. Thereafter an order was entered on November 15, 1915, granting the relief petitioned for. Under date of May 11, 1917, the company filed a second supplemental petition asking that the pledging of the aforesaid bonds from December 1, 1916, be authorized *nunc pro tunc*, and that the company be authorized to continue such pledging until December 1, 1918, under the same conditions as heretofore existed herein. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the pledging by the Orange County Traction Company of \$60,000 face value of its 5 per cent 50-year gold mortgage bonds as collateral security for its promissory note for \$45,000 in favor of Mary W. Harriman for the period extending from December 1, 1916, to the date of this order, is hereby authorized *nunc pro tunc*.

2. That the Orange County Traction Company is hereby authorized to pledge until December 1, 1918, \$60,000 face value of its 5 per cent 50-year gold mortgage bonds as collateral security for the aforesaid note of the principal sum of \$45,000.

3. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be of no force or effect until such stipulation shall have been filed as required herein.

[Case No. 4965]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF WATERTOWN under section 91 of the Railroad Law for an order determining that the Court Street grade crossing of the New York Central Railroad in said city shall be changed to an overcrossing.

Reference is made to the general order of this Commission under date of July 17, 1915, in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled on May 10, 1917, determined and directed that the present grade crossing known as the Court Street crossing of the New York Central railroad in the city of Watertown shall be closed and discontinued, and that the highway traffic at the point mentioned shall be diverted to an overgrade crossing to be constructed according to certain plans approved by this Commission and under its direction; and the total cost properly chargeable to such elimination and change in accordance with the aforesaid order of the Commission having been estimated at the sum of \$260,000, of which total cost the share of the State of New York as fixed by statute would be the sum of \$65,000; now therefore it is

Ordered: 1. That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of other grade crossing eliminations heretofore ordered and now under way (the available balance being approximately the sum of \$204,500, exclusive of the sum of \$250,000 appropriated by the Legislature of 1917), there shall now be segregated and set apart to the credit of grade crossing case No. 4965, above entitled, the sum of \$65,000, to meet the State's share of the cost of the elimination in said case as such cost may be hereafter and from time to time duly determined and certified by this Commission.

2. That after final accounting in this case and after payment in full of the State's share of the cost and expense therein incurred, any unexpended balance which may remain to the credit of this case shall by order of the Commission duly made be re-transferred to the general fund appropriated by the Legislature for grade crossing purposes.

340 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5278]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of WESTERN SULLIVAN TELEGRAPH AND TELEPHONE COMPANY under section 101 of the Public Service Commissions Law for ratification of issuance of mortgage and mortgage bonds.

Petition filed February 15, 1916; report of telephone engineer dated August 29, 1916; report of division of capitalization dated March 5, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the report of the division of capitalization in this proceeding dated March 5, 1917, which on March 9, 1917, was sent to the corporation, such entries being listed on pages 9 and 10 thereof, shall be entered upon the books of the Western Sullivan Telegraph and Telephone Company, and that within thirty days of the service of this order verified proof shall be submitted to the Commission that such entries have been made.

2. That the execution and delivery by the Western Sullivan Telegraph and Telephone Company to Charles A. Thorwelle, vice-president of the Callicoon National Bank, a banking corporation located at Callicoon, N. Y., as trustee, of a certain mortgage indenture under date of May 9, 1911, covering all its plant and property, to secure an issue of first mortgage ten-year gold bonds to the aggregate amount of \$6000, bearing interest at the rate of 6 per cent per annum, payable semiannually on the first day of May and November in each year, a copy of which indenture has been filed with the Commission herein, is hereby authorized *nunc pro tunc*, and that the form of such indenture so filed is hereby similarly approved.

3. That the issuance by the Western Sullivan Telegraph and Telephone Company on May 9, 1911, of \$6000 face value of 6 per cent 10-year first mortgage gold bonds, the sale thereof at face value, and the expenditure of the proceeds realized from the sale thereof for additions, betterments, and improvements to its property, is hereby authorized *nunc pro tunc*.

4. It is nevertheless expressly provided that in all respects other than as directed in ordering clause 1 hereof this order shall not be effective, nor shall the issue or sale of any such bonds be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

5. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the bonds herein authorized *nunc pro tunc* was reasonably required for the purposes described in this order, and that such purposes were not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5490]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of ARTHUR L. KIFF under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Corning, it being proposed that the route shall also be operated between Corning and Keuka Landing. Petition for consent to assign certificate of public convenience and necessity.

April 27, 1916, the Commission granted a certificate of public convenience and necessity to Arthur L. Kiff for the operation of a stage route by auto busses in the city of Corning as a part of a route to be operated between Corning and Keuka Landing. The grantee of the certificate now petitions the Commission for its consent to the assignment by Arthur L. Kiff to Leroy D. Becraft of Kiff's interest in said certificate. The Commission has been informed by the city attorney of the City of Corning that the municipal authorities had granted a transfer to Leroy D. Becraft on May 7, 1917. It is therefore

Ordered: That the consent of the Commission be and hereby is given to the assignment by Arthur L. Kiff to Leroy D. Becraft of the interest of said Arthur L. Kiff in the certificate of public convenience and necessity granted by the Commission to said Arthur L. Kiff April 27, 1916.

[Case No. 5820]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE TROY UNION RAIL ROAD COMPANY under section 55, Public Service Commissions Law, for authority to issue 6 per cent five-year notes to the amount of \$93,979.95.

Petition filed December 13, 1916; report of division of capitalization dated January 24, 1917; report of division of steam railroads dated April 26, 1917; final report of division of capitalization dated May 10, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Troy Union Rail Road Company is hereby authorized to issue \$93,979.95 face value of its 6 per cent five-year notes, which may be sold for not less than their face value and accrued interest to give net proceeds of at least that sum.

2. That said notes of the face value of \$93,979.95 so authorized, or the proceeds thereof to the amount of \$93,979.95, shall be used solely and exclusively for the discharge of 6 per cent demand notes outstanding at October 31, 1916, or their renewals, held by the following corporations:

The New York Central Railroad Company.....	\$46,989.97
Boston and Maine Railroad.....	23,494.99
The Delaware and Hudson Company.....	23,494.99
	<hr/>
	\$93,979.95

3. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by The Troy Union Rail Road Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

4. That The Troy Union Rail Road Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what notes have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such notes were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the notes herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said notes shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no notes were sold or disposed of or proceeds expended the report shall set forth such fact.

5. That the company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said notes herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5836]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARRITE,
Commissioners.

In the matter of the Complaint of U. G. STOCKWELL AND OTHERS against UNITED TRACTION COMPANY, asking that the stopping of cars, in each direction, at the corner of Jay and Lark streets, Albany, which was discontinued, be reestablished.

The issues formed by the complaint and answer in the above entitled proceeding having been duly heard and the questions involved considered, it is

Ordered: That the United Traction Company be and it is hereby directed to reestablish the stop formerly made by its cars at the corner of Lark and Jay streets, in the city of Albany, New York.

Further Ordered: That the United Traction Company be and it is hereby directed to notify this Commission, in writing, within ten days after receipt of a certified copy of this order, whether the terms of the same are accepted and will be obeyed.

[Case No. 5916]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of J. G. CAMPBELL of Ashville, Chautauqua county, *against* THE CHAUTAUQUA TRACTION COMPANY as to freight rate on empty egg crates between Jamestown and Ashville.

The complainant having applied to the Commission for a refund of \$2.19 from the amount paid by him upon the shipment of fifty empty egg crates from Jamestown, New York, to Ashville, New York, the rate charged by the respondent having been the regular published tariff rate upon such merchandise; and the complainant upon being informed that this Commission has no authority to require a reparation; and his complaint having been referred to The Chautauqua Traction Company and a satisfactory explanation of the rate charged having been made by that company, and thereafter a formal complaint having been filed and answer made; and the case having been heard, and no evidence having been offered from which it may be determined that the regular tariff rate of the respondent upon empty egg crates shipped from Jamestown to Ashville is exorbitant, it is

Ordered: That the complaint be and the same is hereby dismissed and the case closed upon the books of the Commission.

[Case No. 5924]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the petition of THE DELAWARE AND HUDSON COMPANY under section 55, Public Service Commissions Law, for authority to issue \$4,000,000 in 4 per cent bonds under its existing first and refunding mortgage dated May 1, 1908.

Petition filed March 2, 1917; hearing held April 30, 1917; report of division of capitalization dated April 30, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Delaware and Hudson Company is hereby authorized to issue \$4,000,000 face value of its 4 per cent first and refunding mortgage bonds, secured by its first and refunding mortgage dated May 1, 1908, and made to The Farmers' Loan and Trust Company as trustee, provided that said bonds shall be sold at such price as shall be hereafter fixed by the Commission upon application and suitable proof offered by the petitioner herein.

2. That said bonds of the face value of \$4,000,000 or their proceeds shall be applied —

(a) For the payment of loans and bills payable owing at December 31, 1916, as shown in schedule 3-F attached to the petition, or their renewals	\$1,927,608.98
(b) For expenditures after December 31, 1916, to complete addition and betterment projects under way at December 31, 1916, shown in column 2 of schedule 2 attached to the application herein....	986,405.74
(c) For expenditures to complete proposed additions and betterments to be begun after December 31, 1916, shown in column 3 of schedule 2 attached to the application herein.....	251,245.93
(d) To provide for expenditures to be made to complete the purposes in respect to which the bonds authorized in case No. 3500 by order of even date herewith are insufficient.....	853,806.69
	<hr/>
	\$4,019,062.34

Amount apparently unprovided for..... \$19,062.34

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivisions (b) to (d) hereof only in so far as the same is a real increase in the road and equipment of the petitioner and not a replacement of any part of such road and equipment or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Classification of Investment in Road and Equipment of Steam Roads adopted by this Commission; (2) that there shall be no charges to road and equipment on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of the bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission.

3. That if the said bonds of a total face value of \$4,000,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$4,019,062.34, no portion of the proceeds of such sale in excess of the last aforesaid sum, to wit the aggregate of items (a) to (d) of ordering clause No. 2 of this order, shall be used for any purpose without the further order of this Commission.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by The Delaware and Hudson Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That The Delaware and Hudson Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) With respect to subdivision (a) of clause 2 of this order there shall be shown in detail the amount expended during such period of the proceeds of the bonds herein authorized; (g) With respect to subdivisions (b) to (d) inclusive of clause 2 of this order there shall be shown (1) in detail the amount expended during such period of the proceeds of the bonds herein authorized and the account or accounts under the Classification of Investment in Road and Equipment of Steam Roads to which the expenditures for such purposes have been charged, giving all details of any credits to road and equipment in connection with such expenditures; (2) a summary of the expenditures during such period for each of such purposes; (3) a summary showing the expenditures during such period by the prescribed accounts. In reporting under subdivision (g) of this clause there shall be further shown the expenditures of the

proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the road and equipment accounts as of the beginning and ending of such period.

6. That this proceeding is hereby continued upon the records of this Commission until the examination which is now being made of the books, accounts, and affairs of the petitioner herein shall have been concluded and the corrections, if any, which are found necessary by reason of such examination shall have been made in the accounts of said company.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation over the signatures of its president or vice-president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Cases Nos. 5951, 5952, 5953]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,

WM. TEMPLE EMMET,

FRANK IRVINE,

JAMES O. CARR,

JOHN A. BARHITE,

Commissioners.

In the matter of the Petition of PRATTSBURGH RAILWAY CORPORATION under section 54 of the Public Service Commissions Law for consent to the transfer of the franchise or franchises of the former Kanona and Prattsburgh Railway Company from Newcomb Assets Company, Incorporated, to the newly organized Prattsburgh Railway Corporation.

In the matter of the Petition of PRATTSBURGH RAILWAY CORPORATION under section 53 of the Public Service Commissions Law for permission and approval to the operation of the railway of the former Kanona and Prattsburgh Railway Company, and the exercise of the franchises of the petitioner as a railroad corporation and of the franchises of the former Kanona and Prattsburgh Railway Company.

In the matter of the Petition of PRATTSBURGH RAILWAY CORPORATION under subdivision 10, section 8, Railroad Law, for consent to issue a mortgage for \$50,000; and under section 55, Public Service Commissions Law, for authority to issue now \$50,000 in 4 per cent 40-year gold bonds to be secured by said mortgage, and for authority to issue \$100,000 common capital stock.

Petitions filed March 29, 1917; hearing held April 9, 1917 (testimony filed in case No. 5951); supplemental petition filed May 2, 1917 (case No 5953). Now therefore, upon the foregoing record,

Ordered as follows: 1. That the consent of this Commission is hereby given to the transfer to the Prattsburgh Railway Corporation of the franchise or franchises of the former Kanona and Prattsburgh Railway Company, and to the exercise of all of the rights and privileges of said franchise or franchises so transferred to it, subject however to all the terms and conditions thereof.

2. That the Prattsburgh Railway Corporation is hereby authorized to acquire the steam railroad property and appurtenances formerly owned by the Kanona and Prattsburgh Railway Company, and to operate the property so acquired.

3. That the Prattsburgh Railway Corporation is hereby authorized to execute and deliver to Messrs. Addison W. Wood, Warren C. McConnell, and William Cuffney, all of Prattsburgh, Steuben county, N. Y., as trustees, a certain indenture, deed of trust, or mortgage upon all its road and equipment to secure an issue of first mortgage fifty-year registered bonds, bearing interest at the rate of 4 per cent per annum, payable annually on the first day of July, to the aggregate amount of \$50,000 face value, a copy of which has been filed with this Commission; and that the form of such indenture so filed is hereby approved.

4. That upon the execution and delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by this Commission.

5. That the Prattsburgh Railway Corporation is hereby authorized to issue \$50,000 face value of its 4 per cent fifty-year first mortgage registered bonds under the aforesaid mortgage, which may be sold for not less than their face value and accrued interest to give net proceeds of that sum.

6. That the Prattsburgh Railway Corporation is hereby authorized to issue \$100,000 par value of its common capital stock which may be sold for not less than its par value to give net proceeds of at least that sum.

7. That the proceeds of such securities of the total face and par value of \$150,000 shall be used solely and exclusively for the following purposes:

(a) For the acquisition of the steam railroad property and appurtenances formerly owned by the Kanona and Prattsburgh Railway Company, which were sold at foreclosure sale on February 9, 1917, consisting of about twelve miles of standard-gauge steam railroad connecting the towns of Kanona and Prattsburgh, Steuben county, N. Y., and appurtenances and equipment.....	\$144,100.00
(b) For working capital, provided it shall not be disbursed for purposes properly chargeable to income but shall be retained to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.....	5,900.00
	<hr/>
	\$150,000.00

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Prattsburgh Railway Corporation unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Prattsburgh Railway Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount of such proceeds used during such period for the purposes specified in this order. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds used the report shall set forth such fact.

10. That the Prattsburgh Railway Corporation shall charge to the prescribed accounts under the Classification of Investment in Road and Equipment of Steam Roads promulgated by the Interstate Commerce Commission and adopted by this Commission, the actual cost to it of the property of the former Kanona and Prattsburgh Railway Company herein authorized to be acquired, which cost shall be \$144,100; and that the company shall within thirty days after the acquisition of such property file a detailed report showing the allocation to such prescribed accounts of this total amount, which allocation shall be subject to the approval of this Commission.

11. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation over the signature of its president and secretary accepting this order with all its terms and conditions, and such order shall be void of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5980]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of EARLVILLE ELECTRIC LIGHT COMPANY under section 68, Public Service Commissions Law, for permission to construct an electric plant and exercise a franchise in the town of Lebanon, Madison county; and under section 69, Public Service Commissions Law, for authority to issue a mortgage for \$10,000, and to issue now \$8325 in 6 per cent bonds to be secured by said mortgage.

Petition filed April 12, 1917; report of division of light, heat, and power dated May 4, 1917; report of division of capitalization dated May 7, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the permission and approval of this Commission are hereby given to the Earlville Electric Light Company to construct, maintain, and operate an electric plant in the town of Lebanon, Madison county, N. Y., together with all transmission and distribution lines required for use in connection therewith; and to the exercise by it of the franchises granted to it by the town board and town superintendent of highways of the Town of Lebanon, Madison county, N. Y., on the 17th day of March, 1917, subject to all the terms and conditions therein set forth.

2. That the Earlville Electric Light Company is hereby authorized to execute and deliver to Adon N. Smith, as trustee, a certain indenture, deed of trust, or mortgage upon all its plant and property to secure an issue of first mortgage ten-year gold bonds to the aggregate amount of \$10,000 face value, bearing interest at the rate of 6 per cent per annum, payable semi-

...ally, a copy of which indenture has been filed with the Commission n, and that the form of such indenture so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by this Commission.

3. That upon the execution and delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by this Commission.

4. That the Earlville Electric Light Company is hereby authorized to issue \$7000 face value of its 6 per cent ten-year first mortgage gold bonds under the aforesaid mortgage.

5. That said bonds of the total face value of \$7000 may be sold for not less than 98 per cent of their face value and accrued interest to give net proceeds of at least \$6860.

6. That said bonds of the face value of \$7000 so authorized, or the proceeds thereof to the amount of \$6860, shall be used solely and exclusively for the following purposes:

(a) For the construction of a transmission line from Earlville to Randallville, N. Y., a distance of approximately four miles, as detailed in a statement filed in this proceeding on the 4th day of May, 1917, as modified by the reports herein of this Commission's divisions of light, heat and power, and capitalization, dated May 4 and 7, 1917, respectively.....	\$5,535.00
(b) For the discharge of two short-term promissory notes outstanding at December 31, 1916, or the renewals thereof.....	1,325.00
	<hr/> \$6,860.00

in so far as the same may be applicable, provided (1) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers and employees under an express assignment to such construction and improvement work; (2) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of the bonds herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission.

7. That if the said bonds of a total face value of \$7000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$6860, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Earlville Electric Light Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Earlville Electric Light Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause 6 of this order there shall be shown (1) in detail the amount expended during such period of the proceeds of the bonds herein authorized and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been

charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary showing the expenditures during such period by the prescribed accounts; (g) with respect to subdivision (b) of clause 6 of this order there shall be shown in detail the amount expended during such period of the proceeds of the bonds herein authorized. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

10. That the company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except as to \$1400 of such expenditures.

[Case No. 5985]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of GOWANDA LIGHT AND POWER CORPORATION under section 69, Public Service Commissions Law, for authority to issue \$45,000 in common capital stock and a bond and mortgage for \$30,000.

Petition filed April 23, 1917; report of division of capitalization dated May 4, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Gowanda Light and Power Corporation is hereby authorized to execute and deliver to the Sun Life Assurance Company of Canada, a corporation organized and existing under the laws of the Dominion of Canada, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of March, 1917, to secure the issue of a ten-year mortgage bond, bearing interest at the rate of 6 per cent per annum, payable semiannually on the first days of March and September in each year, to the amount of \$30,000 face value, a copy of which has been filed with the Commission herein, and that the form of such indenture so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

3. That the Gowanda Light and Power Corporation is hereby authorized to issue under the aforesaid mortgage its 6 per cent ten-year mortgage bond of the face value of \$30,000, which may be sold at a price not less than the face value thereof and accrued interest to give net proceeds of at least \$30,000.

4. That the Gowanda Light and Power Corporation is hereby authorized to issue \$5000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least \$5000.

5. That said stock and bond of the par and face value of \$35,000 so authorized, or the proceeds thereof to the amount of \$35,000, shall be applied solely and exclusively toward the discharge of indebtedness outstanding at January 31, 1917, as shown in the statement of liabilities at that date attached to the petition herein as exhibit C, schedule 1, or the renewals thereof, as follows:

(a) Funded debt, real estate mortgage.....	\$6,500.00	
(b) Bills payable (G. M. Gest).....	82,680.23	
(c) Bills payable	25,774.79	
(d) Accounts payable:		
G. M. Gest.....	\$7,167.25	
Sundry	4,988.02	
		<u>12,155.27</u>
		<u>\$77,110.29</u>

Unprovided for \$42,110.29

6. That if the said stock and bond of the face value of \$35,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$35,000, the proceeds of such sale in excess of the last aforesaid sum shall also be applied toward the discharge of the debt of the corporation described herein, or the renewals thereof, without the further order of the Commission.

7. That the said bonds herein authorized shall not be hypothecated or pledged as collateral by the Gowanda Light and Power Corporation unless such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Gowanda Light and Power Corporation shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) whether or not the stock and bond have been sold or otherwise disposed of during such period in accordance with authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock and bond were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for the purpose specified herein during such period of the proceeds of the stock and bond herein authorized. Such reports shall continue to be filed until the said stock and bond shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period such stock and bond were not sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

10. That this proceeding is hereby continued upon the records of the Commission until the examinations which are to be made of the books, accounts, and affairs of the petitioner herein shall have been concluded, and the corrections, if any, which are found necessary by reason of such examinations shall have been made in the accounts of said company.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock and bond herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5986]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission. Second District, held in the city of Albany on the 15th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of JACOB SIEGEL and C. STUART MYERS under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Rome and in the city of Oneida, it being proposed that the route shall also be operated between Rome and Sylvan Beach, and the city of Oneida.

Jacob Siegel and C. Stuart Myers ask for a certificate of convenience and necessity for the operation of a stage route by auto busses over certain streets in the cities of Rome and Oneida, as a part of a route between Rome and Sylvan Beach, and the city of Oneida. The consent of the municipal authorities of the City of Rome was granted March 8, 1917, and of the municipal authorities of the City of Oneida March 20, 1917, subject to certain terms and conditions. A public hearing was held in Utica May 4, 1917, at which Stoddard M. Stevens appeared for the applicant; S. E. Spinning for J. Franklin Hyde; and G. H. Brown for The New York Central Railroad Company and the New York State Railways. It appeared in the hearing that no passengers are to be carried from point to point within the tax district of the city of Rome, nor within the city of Oneida. It also appeared that it was the intention of the applicant to use trailers. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Jacob Siegel and J. Stuart Myers of an auto bus line to be known as the Rome and Oneida Bus Line, as provided in the consents heretofore granted by the municipal authorities of the cities of Rome and Oneida, copies whereof are attached to the petition herein, beginning at the American Corner, so called, in the city of Rome, thence along West Dominick street to the Oswego road. Also, in the city of Oneida, over and along William street and Madison street; also James street from the intersection of James and Madison streets to the intersection of James and East Elm streets; and East Elm street from the intersection of East Elm street and James street to the intersection of East Elm street and William street. No passengers shall be carried locally from point to point within the tax district of the city of Rome nor within the city of Oneida; nor shall the use of trailers be permitted within the city limits of the cities of Rome or Oneida. It is understood that in the event of a change in either passenger or freight rates, or in the time schedule, a notice of such change will be filed with the Commission. This certificate is granted subject to all the terms and conditions of the consents hereinabove mentioned, and subject to present and future ordinances of the City of Rome and of the City of Oneida, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 5655]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE SQUAW ISLAND FREIGHT TERMINAL COMPANY, INC., under section 157, Transportation Corporations Law [chapter 778, laws 1911], for authority to issue \$100,000 common capital stock.

Petition filed July 24, 1916; hearing held October 16, 1916; report of division of capitalization dated April 5, 1917; memorandum of Commissioner Carr dated April 23, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Squaw Island Freight Terminal Company, Inc., is hereby authorized to issue \$100,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

2. That said stock of the par value of \$100,000 so authorized, or the proceeds thereof to the amount of \$100,000, shall be used solely and exclusively for the discharge of a purchase money mortgage given to the Squaw Island Development Corporation in payment for certain property acquired from it, consisting of 100 acres of uplands and 24 acres under water as described in a deed of conveyance dated June 21, 1916, recorded on July 17, 1916, in the Erie County Clerk's office.

3. That The Squaw Island Freight Terminal Company, Inc., shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the stock herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said stock herein authorized shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5899]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of B. FRANK DAKE
against THE PENNSYLVANIA RAILROAD COMPANY,
alleging inadequate passenger train service between
East Aurora and Buffalo for commuters.

The above entitled proceeding having come on for hearing before Commissioner Barhite in the city of Buffalo, New York, on the 23rd day of March, 1917, and B. Frank Dake, the complainant, appearing in person; and Frank Adams, esq., appearing for The Pennsylvania Railroad Company; and the complainant having stated in the presence of the hearing Commissioner that since the complaint was made the service of the respondent had been very radically improved, so that commuters are not disposed to complain; and having consented that the complaint should be dismissed, it is

Ordered: That the complaint be and the same is hereby dismissed and the case closed upon the books of the Commission.

[Case No. 5927]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the INTERNATIONAL RAILWAY COMPANY under section 53 of the Public Service Commissions Law for permission to construct in the city of Buffalo a double-track extension of its street surface railway in Elmwood avenue northerly from Hertel avenue to the northerly city line; and for approval of the exercise of a franchise therefor received from the city.

A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by the International Railway Company, for permission to construct in the city of Buffalo additions to its electric railway hereinafter described, and for approval of the exercise of a franchise therefor received from the city; and a public hearing on said petition, after due notice, having been held in the city of Buffalo on the 30th day of March, 1917, Norton, Penney, Spring and Moore appearing for the petitioner; and F. C. Rupp, esq., assistant city attorney, for the City of Buffalo, in favor of the petition; and at the hearing the petitioner having duly presented proof that it has secured the requisite consents to the proposed extension of its railway other than the consent of this Commission, and that the records thereof are filed in the proper offices; and this Commission having determined from the papers and the hearing that the proposed construction of such exten-

sion and the exercise of the franchise obtained from the City of Buffalo are necessary and convenient for the public service, it is

Ordered: That this Commission, under section 53 of the Public Service Commissions Law, does hereby permit and approve of the construction, maintenance, and operation by the International Railway Company of a double-track street surface railroad in and along Elmwood avenue northerly from Hertel avenue to the northerly city line of the city of Buffalo, being an extension of the railroad of said company in said Elmwood avenue; together with the right to construct, maintain, and operate the track connections, switches, turnouts, and wyes through, upon, and along the avenues, streets, and public places above described, to be operated by the single overhead trolley system or motive power other than steam; and does hereby permit and approve of the exercise by said company of a franchise for such construction granted to said company by the council of the City of Buffalo on the 11th day of October, 1916, and approved by the mayor of the City of Buffalo on the 14th day of October, 1916, a copy of which franchise, duly certified by the city clerk to be a true copy, is filed with the Commission with the papers in this case.

[Case No. 5988]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the HANNAWA FALLS WATER POWER COMPANY under section 70, Public Service Commissions Law, for consent to transfer to St. Lawrence Transmission Company what are known as the "Colton Properties," which are real estate, water rights, etc.

Petition filed April 30, 1917; report of division of light, heat, and power dated May 14, 1917; report of division of capitalization dated May 17, 1917. The application in this proceeding asks for authority to the Hannawa Falls Water Power Company to sell certain of its real estate and undeveloped water rights, water power, and flowage and riparian rights, known as the "Colton Properties," to the St. Lawrence Transmission Company for \$125,000. It appears that the transfer of this property between said two system companies is merely for the purpose of creating a condition whereby the property hereinafter designated may be more conveniently developed, the petition stating that the St. Lawrence company is in better financial condition to bring that about. Furthermore, in passing upon this matter this Commission's attention has been directed only incidentally to the amount of the consideration involved in the transaction, viz. \$125,000, as the property in question is specifically indicated in the mortgage of the Hannawa Falls company, dated July 1, 1913, given to the Union Trust Company of Pittsburgh, Penna., as trustee, which provides that it may be released therefrom upon the cancellation of \$125,000 of bonds secured thereby. The matter was referred to this Commission's divisions of light, heat, and power, and capitalization, and their reports thereon are dated May 14 and 17, 1917, respectively. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Hannawa Falls Water Power Company is hereby authorized to sell to the St. Lawrence Transmission Company for not less than \$125,000 certain of its real estate and undeveloped water rights, water power, and flowage and riparian rights, known as the "Colton

Properties," and described in schedule E attached to the petition herein; and the St. Lawrence Transmission Company is hereby authorized to acquire such property from the Hannawa Falls Water Power Company.

2. That the Hannawa Falls Water Power Company shall record in its books of accounts the transactions incident to the sale of such property, and to the retirement of \$125,000 face value of its first and refunding mortgage collateral trust gold coupon bonds, in accordance with the recommendations contained in the report of the division of capitalization herein dated May 17, 1917; and that within thirty days from the service of this order verified proof shall be submitted to this Commission showing in detail the manner in which the above described transactions have been so recorded.

3. That the company shall within thirty days from the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 277]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF
THE TOWN OF WARSAW, Wyoming county, under
section 62 (now section 91) of the Railroad Law
for the elimination of a highway grade crossing of
the Erie railroad known as Clark's crossing, in said
town.

Upon the recommendation of the Erie Railroad Company as indicated by a letter from the assistant to the president and chief engineer of May 17, 1917, for the approval of the unit price proposal of the American Bridge Company of 6¼ cents per pound for structural steel, and 95 cents per lineal foot for railing for the superstructure required to carry out the determination of the Commission in the matter above entitled; said proposal being the lowest of five bids received, as shown by canvass sheet of bids dated May 16, 1917, on file with this Commission, the prices quoted being f. o. b. cars Erie railroad, Warsaw, N. Y., it is

Ordered: That said unit price proposal of the American Bridge Company be and it is hereby approved.

356 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 773]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition and Amended Petition under section 62 (now section 91) of the Railroad Law of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to the Hartsdale Avenue grade crossing, towns of Scarsdale and Greenburgh, Westchester county.

On the accounting filed in the above entitled matter, pursuant to section 94 of the Railroad Law, this Commission on August 4, 1914, after a hearing upon a petition by the Town of Greenburgh asking for a determination as to the liability of the Town of Scarsdale for any part of the cost of the work done in the town of Scarsdale, ordered "That the Town of Scarsdale is liable for and shall be charged with one-quarter of the cost of the structure and work which lies and was performed within the limits of the town of Scarsdale; and that the Town of Greenburgh is liable for and shall be charged with one-quarter of the cost of the structure and work which lies and was performed within the limits of the town of Greenburgh". The Town of Scarsdale on September 1, 1914, filed its petition asking for a rehearing and for the abrogation of that part of the order above quoted. On November 10, 1914, the Commission denied said application and affirmed the original order.

The Appellate Division, subsequently, under a writ of certiorari, confirmed the orders of the Commission, and from this order of the court the town appealed. The Court of Appeals on January 9, 1917, reversed the order of the Appellate Division and annulled the order of the Commission of August 4, 1914. It is therefore

Ordered: 1. That in compliance with the decision of the Court of Appeals the order of the Commission of August 4, 1914, be and hereby is rescinded.

2. That the entire portion of the cost of the work performed under the determination of the Commission for the elimination of Hartsdale Avenue grade crossing which under the statute is chargeable to the municipality shall be paid by the Town of Greenburgh, and that no part of the cost of said work is charged upon the Town of Scarsdale.

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of May, 1917.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway, and the construction of an undergrade crossing.

Upon the recommendation of The New York Central Railroad Company as indicated by the signature of its chief engineer, and of the Buffalo, Rochester and Pittsburgh Railway Company as indicated by the signature of its general manager, on a detail masonry plan dated March 23, 1917, showing abutments and piers for the undergrade crossing to be constructed pursuant to a determination of the Commission dated July 26, 1916, in the matter above entitled; and upon the approval of the local authorities as similarly indicated by the approval signatures on said plan of the mayor and deputy city engineer of the City of Rochester, it is

Ordered: That said detail masonry plan be and it is hereby approved.

[Case No. 5385]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of May, 1917.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ONEONTA LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$65,000 common capital stock, for change in accounting order, and for approval of re-classification of \$75,000 existing preferred stock as common.

Supplemental
order.

Petition filed January 18, 1916; details of changes in fixed capital accounts filed January 18, 1916; report of division of capitalization dated March 25, 1916; report of electrical engineer dated April 13, 1916; report of gas engineer dated April 13, 1916 (above two reports appended to final report of division of capitalization); certified copy of certificate of increase of capital stock filed April 17, 1916; final report of division of capitalization dated April 18, 1916; correspondence from company containing stipulation with reference to correction of accounts, dated June 8 and 15, 1916; hearing held July 20, 1916; order entered August 8, 1916; allocation of fixed capital filed December 14, 1916; report of division of light, heat, and power upon such allocation dated February 1, 1917; company's comments on the aforesaid report filed February 27, 1917; report of division of light, heat, and power allocating property of the petitioner dated April 26, 1917; report of

division of capitalization dated May 16, 1917. In this matter, clause No. 6 of the order entered on August 8, 1916, provided as follows:

6. That the Oneonta Light and Power Company shall allocate its fixed capital as of December 31, 1908, in accordance with the stipulations herein dated June 8 and 15, 1916, in a manner satisfactory to the Commission, taking into consideration in this connection the reports of its division of capitalization and engineers, which allocation shall be submitted to the Commission for its approval on or before December 1, 1916, which approval must be obtained before such allocation is spread upon the books of the petitioner.

Under date of December 14, 1916, the company submitted a statement containing the required detail of fixed capital which was referred to the Commission's division of light, heat, and power, which division under date of April 26, 1917, prepared an allocation of such fixed capital to be substituted for that presented by the company. Under date of May 12, 1917, the company stated that after careful consideration it decided to accept such distribution. Now therefore, upon the foregoing record, it is

Ordered: That the said distribution of fixed capital of the Oneonta Light and Power Company as of December 31, 1915, contained in the report of the division of light, heat, and power in this proceeding, dated April 26, 1917, which report on April 30, 1917, was sent to such corporation, and under date of May 12, 1917, accepted by it, is hereby approved; and the company is authorized and directed to spread the amount of the same among the appropriate accounts upon its books, and to file within thirty days of the service of this order an affidavit of such fact, together with a copy of the journal entry making such distribution.

[Case No. 5777]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of POLISH CITIZENS
PROTECTIVE ASSOCIATION *against* THE NEW YORK CEN-
TRAL RAILROAD COMPANY on account of smoke from
trains and roundhouse at East Buffalo.

The complainant and the respondent in the above entitled proceeding having filed with the Commission a written stipulation consenting that the complaint be dismissed and the case closed, it is

Ordered: That the complaint in the above entitled proceeding be and the same is hereby dismissed and the case closed upon the books of the Commission.

[Case No. 5917]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the TRUSTEES OF THE VILLAGE OF FRANKFORT, Herkimer county, *against* UTICA GAS AND ELECTRIC COMPANY as to readiness to serve charge.

Complaint filed February 23, 1917; answer filed March 20, 1917; hearing held at the office of the Commission in the city of Albany on April 23, 1917. Upon the facts and conclusions set forth in the accompanying memorandum, it is

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed upon the records of the Commission.

[Case No. 5993]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF SODUS CENTER AND VICINITY, Wayne county, *against* THE PENNSYLVANIA RAILROAD COMPANY (Northern Central Railway, lessor), protesting against proposed discontinuance of an agent at the Sodus Center station and making it a flag stop.

In this matter the company answered that it "has no present intention of discontinuing the agent at Sodus Center"; representative of complainants was so informed and notified the Commission that they "are willing that this case be closed on the records of the Commission as satisfied"; the Commission notified the company that it holds, under section 54, Railroad Law, the services of an agent at this station may not be discontinued without its consent, after petition by the company. Under these circumstances it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

360 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central and Hudson River railroad in the village of Bronxville, Westchester county.

Upon the recommendation of The New York Central Railroad Company as indicated by a letter dated May 16, 1917, from the manager of Grand Central Terminal Improvements, for the approval by this Commission of a lump sum figure quoted by Mr. George N. Schmiedel for the construction and installation of ninety-one lineal feet of railing; and upon a similar request from the village engineer as indicated by a letter dated May 23, 1917, the construction of said fence having heretofore been authorized by the Commission, it is

Ordered: That the proposal of George N. Schmiedel of \$390.98 (corresponding to a unit price per foot of approximately \$4.30), covering the construction of said hand-railing, be and it is hereby approved.

[Case No. 4108]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration as to the manner in which state highway No. 5346 crosses the tracks of the St. Lawrence and Adirondack divisions of the New York Central and Hudson River railroad about 0.6 mile north of Remsen station, in the town of Remsen, Oneida county, N. Y.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the Saw Mill Highway and Phelps Highway grade crossings of the tracks of the St. Lawrence and Adirondack divisions of the New York Central and Hudson River railroad, the Phelps Highway crossing being located north and the Saw Mill Highway being located south of the State Highway crossing.

Modification
of order.

Paragraph numbered 8 of the Commission's order of December 1, 1914, provides that the existing state highway on the east side of the tracks be

re-graded to provide access to the easterly approach to the new overgrade crossing, and that in addition thereto there shall be constructed a wye connection between such overgrade crossing and the re-graded portion of the existing state highway, all of which was deemed incidental to and a necessary part of the work for the elimination of the Saw Mill Road crossing. Subsequent to the date of this order and while the work of construction was in progress, the town board of the Town of Remsen and residents on the Saw Mill road called the Commission's attention to the desirability of modifying the order and amplifying the approved plan of elimination by requiring the construction of a new highway on the east side of the tracks from a point on the Saw Mill road extending southerly into the village of Remsen, and to compensate for the additional expense thus involved to omit the graded approaches to the new overgrade crossing on the east side of the tracks heretofore referred to, and to maintain permanently the present temporary detour at the schoolhouse around the base of the embankment approach on the state highway. Numerous conferences between the supervisor of the town, the State Commission of Highways, and this Commission, were held with respect to this matter. The town proposed that the sum thus saved in the omission of the graded approaches to the overgrade crossing, estimated at \$2000, be applied to the cost of the proposed new road to Remsen village, and that the town would pay any and all costs thereof in excess of such sum. The Village of Remsen finally gave its consent to the construction of so much of such new highway as might be within the corporation limits under certain prescribed specifications, a copy thereof being on file with this Commission. Meantime, the contractor completed all of the work called for in the Commission's original order except the above referred to graded approaches and the improvement of a short piece of new highway northerly of the Saw Mill road, and such completed work was accepted and approved by this Commission on March 20, 1917.

Final hearing on the proposal to thus modify the original order was held by the Commission at Albany on April 2, 1917, Arthur S. Jones appearing for the Town of Remsen; George H. Walker and N. F. Thompson for The New York Central Railroad Company; F. A. Hermans for the State Commission of Highways; and Angelo Persuitte, a property owner, in person. There was no opposition to such a modification of the order as desired by the town, and the railroad company expressed its readiness to finance the construction of the new road to an amount of \$1600. Property owner Persuitte agreed to accept a sum of \$400 in addition to any sums already paid to him in lieu of damages which it is claimed would result to his property by reason of the change in plan, and the town agreed to pay any and all construction costs in excess of \$1600, the total sum thus to be charged upon the railroad company and the Highway Commission not to be in excess of \$2000 for construction, land, and damages, this sum being equal to the amount saved by omitting other construction required under the original order as aforesaid. The town further agreed to build that part of the proposed road within the limits of the village of Remsen at the location and in accordance with the requirements desired by the village authorities. The Commission has accordingly determined that the request of the town and residents on Saw Mill road to permit the proposed construction be granted, and therefore

Orders: 1. That the determination herein of December 1, 1914, be modified by striking therefrom paragraph numbered 8 and any and all reference to the graded approaches to the re-located state highway on the east side of the tracks and work connected therewith.

2. That the temporary detour built around the foot of the state road embankment in front of the schoolhouse be retained as a permanent road.

3. That a new highway shall be constructed according to dimensions and upon a location shown upon a plan dated April 16, 1917 (marked exhibit M), on file with this Commission and approved by the town board of the Town of Remsen as indicated by the signature of its supervisor, from a point on the Saw Mill road east of the railroad, in a southerly direction to connect with Prospect street, in the village of Remsen, between the properties of John Brimsam and the Baptist parsonage.

4. That such part of said new highway within the limits of the incorporated village of Remsen shall be constructed in accordance with specifications set forth in a resolution duly adopted by the trustees of said village on October 10, 1916.

5. That the Saw Mill Road grade crossing shall be closed and discontinued not later than July 1, 1917.

6. That in accordance with the understanding and agreement reached by the respective parties to this proceeding, there shall be charged against The New York Central Railroad Company and the State Commission of Highways, on account of the cost of any land or new construction herein authorized and any and all damages as may result by virtue thereof, a sum not in excess of \$2000, said sum to be the amount in full which the railroad corporation and the State shall pay for all purposes of whatever nature to carry out the work as herein provided; and that any and all excess cost shall be charged to, be payable, and paid by the Town of Remsen; and that no part whatsoever of any cost shall be chargeable to the Village of Remsen.

This order is made on the further condition that if the cost of said road, land, and damages shall be less than said sum of \$2000, the railroad corporation and the State Commission of Highways shall pay the entire cost in equal amounts, and that no part of said cost shall be chargeable to the town.

The acceptance of this order by the Town of Remsen shall be deemed as an undertaking on its part to save The New York Central Railroad Company, the State of New York, this Commission, the State Department of Highways, and the Village of Remsen harmless from all costs, expenses, claims, or demands whatsoever on account of this order and any of the provisions thereof in excess of the sum of two thousand dollars (\$2000), and that it will pay any and all costs of whatever nature and to whatever amount necessary properly to complete the work as provided by this order in excess of said sum of two thousand dollars (\$2000).

[Case No. 4485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under chapter 91 of the Railroad Law for an alteration in a crossing of the Rensselaer and Saratoga railroad (leased to and operated by The Delaware and Hudson Company) by state highway route No. 37-B, in the town of Ballston, Saratoga county.

The work covered by the Commission's determination in the above entitled matter having been entirely completed in accordance with the requirements of said determination and approved plans and specifications: it being the opinion of the Commission as stated in a memorandum dated May 22, 1917, that the floor of the bridge has been so constructed as to reduce to a minimum the leakage to the highway from the bridge deck, thus satisfying the provisions of the order relative thereto, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 4856]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ROME AND OSCEOLA RAILROAD COMPANY under section 89 of the Railroad Law for a determination as to the manner in which its railroad shall cross certain highways in the city of Rome, and in the towns of Lee and Ava, Oneida county, and the town of Lee, Lewis county.

Suspension
of order.

By order dated June 10, 1915, in this matter, the Commission determined how the railroad of the Rome and Osceola Railroad Company, proposed to be constructed between the city of Rome and the hamlet of Osceola, in the town of Lewis, Lewis county, shall cross streets and highways in the city of Rome, and in the towns of Lee and Ava, Oneida county, and Lewis, Lewis county. Since the date of such order no work of construction has been undertaken, and the Commission is creditably informed that none is in immediate contemplation. Further informal consideration has led the Commission to the conclusion that it ought to reconsider its order of June 10, 1915, in its bearing upon public safety in relation to the street crossings at grade in the city of Rome and highways elsewhere in Oneida county and Lewis county which were sanctioned thereby. The Commission has further determined to suspend the operation of said order, that the questions of public safety involved may be reconsidered at a public hearing; and it is

Ordered: That the order of the Commission of June 10, 1915, entitled herein, is suspended until further action by the Commission; and that a public hearing shall be held by the Commission at a time and place to be fixed, of which hearing due notice shall be given to all parties to the record herein, at which time and place said order will be reconsidered with reference to the authorization of crossings at grade of streets in the city of Rome, and of highways elsewhere in Oneida county and Lewis county, by the Rome and Osceola Railroad Company.

[Case No. 5282]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of JAMES E. ADAMS under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a certain stage route by auto busses in the city of Corning. Petition for consent to assign certificate of convenience and necessity.

February 1, 1916, the Commission granted a certificate of public convenience and necessity to James E. Adams for the operation of a stage route

by auto busses in the city of Corning. The grantee of the certificate now petitions the Commission for its consent to the assignment by James E. Adams to Rufus J. Hall of Adams's interest in said certificate. The Commission has been informed by the city attorney of the City of Corning that the municipal authorities of the City of Corning granted a transfer to Rufus J. Hall on May 7, 1917. It is therefore

Ordered: That the consent of the Commission be and hereby is given to the assignment by James E. Adams to Rufus J. Hall of the interest of said James E. Adams in the certificate of public convenience and necessity granted by the Commission to said James E. Adams February 1, 1916.

[Case No. 5667]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of NORTH SCRIBA GRANGE, Lycoming, Oswego county, *against* AMERICAN EXPRESS COMPANY, asking for fast express service for strawberries from the Scriba station on the New York Central railroad. The New York Central Railroad Company has also been made a party.

The North Scriba Grange complains on behalf of shippers of strawberries between Oswego and Richland that the shipments are so handled that they at times arrive in New York too late for the market and have to be sold thereafter at a great loss. The complaint was originally against the American Express Company alone. It appearing on the hearing that the express company had no practical control over the actual transportation of the berries, an order was made making The New York Central Railroad Company a party; and thereafter another hearing was held at Syracuse May 21, 1917, at which The New York Central Railroad Company appeared. During the height of the strawberry season a special berry train starts from Oswego at 7 p. m., picks up cars between Oswego and Richland, and should arrive at Utica at 12 midnight. At 2:45 a. m. the cars are taken on a fast main line freight known as UA4, which runs to West Albany. They are then taken on another freight train to New York. It is essential that they should arrive at their destination before 11 p. m. in order to meet the market. It appears that on an average of one time each season they have been several hours late, with a resultant very serious loss to the shippers. In the early part of the season and in the latter part, the berries are carried in passenger equipped refrigerator cars, and there have been no failures where such cars were used. In mid-season, when the shipments are heavy, it is impossible to provide sufficient passenger equipped cars and the movement above described is resorted to. The cause of the delays could not be ascertained, but they have always occurred from the 1st to the 10th of July, and it is surmised that they have been due to congestion in train movements at that period. Certainly there can be no excuse for occupying more than twenty-three hours in moving express matter paying express rates from Utica to New York. At the hearing, representatives of the railroad company promised to observe carefully these movements during the period when freight train service is employed, and in case of delay or prospect of delay to take such measures as shall insure arrival of the

berries in New York before 11 p. m. The representative of the complainant expressed himself as satisfied with these assurances. It is therefore

Ordered: That the case be and it hereby is closed, with leave however to reopen in the event that any shipment in the future should be so delayed as not to reach New York by 11 p. m. on the day following the day of shipment.

[Case No. 5935]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

MRS. MORSE M. FRANKEL, complainant, *against* NEW YORK TELEPHONE COMPANY, respondent.

This proceeding having been instituted by Mrs. Morse M. Frankel to secure at her house in Spring Valley, Rockland county, telephone service which is now being denied her on account of the fact that Mrs. Frankel's husband, who in the past has on several occasions grossly abused his privileges as a telephone user, will enjoy the opportunity to use the instrument in question if it shall be installed; and because, in the opinion of the respondent, Mr. Frankel is almost certain to misconduct himself on these occasions, to the detriment of the service generally and the injury of respondent's employees; and it appearing that Mrs. Frankel is entirely willing, and has so stipulated in the stenographer's minutes of this case, that if after the installation of a new telephone in her Spring Valley house her husband shall make any improper use of it whatsoever the service may be discontinued forthwith, without any further complaint on Mrs. Frankel's part; and it appearing to the Commission that under these circumstances the service asked for can be installed without great risk either to the public or to the telephone company, it is hereby

Ordered: That the respondent shall forthwith, upon the signing of a contract for telephone service in the usual form by complainant, install an instrument in complainant's house in Spring Valley, and give telephone service to complainant so long as she pays her bills and fulfills all the terms of her contract with respondent: on the distinct understanding, however, that if Morse M. Frankel, the husband of complainant, shall at any time hereafter conduct himself improperly in the use of this instrument, or indulge in any such practices in connection with its use as have been testified to at length in other proceedings before this Commission in which Mr. Frankel's manner of using the telephone has been an issue, the instrument may be removed forthwith, and telephone service permanently discontinued at Mrs. Frankel's Spring Valley residence.

[Case No. 773]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition and Amended Petition under section 62 (now section 91) of the Railroad Law of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY as to the Hartsdale Avenue grade crossing, towns of Scarsdale and Greenburgh, Westchester county.

On the accounting filed in the above entitled matter, pursuant to section 94 of the Railroad Law, this Commission on August 4, 1914, after a hearing upon a petition by the Town of Greenburgh asking for a determination as to the liability of the Town of Scarsdale for any part of the cost of the work done in the town of Scarsdale, ordered "That the Town of Scarsdale is liable for and shall be charged with one-quarter of the cost of the structure and work which lies and was performed within the limits of the town of Scarsdale; and that the Town of Greenburgh is liable for and shall be charged with one-quarter of the cost of the structure and work which lies and was performed within the limits of the town of Greenburgh". The Town of Scarsdale on September 1, 1914, filed its petition asking for a rehearing and for the abrogation of that part of the order above quoted. On November 10, 1914, the Commission denied said application and affirmed the original order.

The Appellate Division, subsequently, under a writ of certiorari, confirmed the orders of the Commission, and from this order of the court the town appealed. The Court of Appeals on January 9, 1917, reversed the order of the Appellate Division and annulled the order of the Commission of August 4, 1914. It is therefore

Ordered: 1. That in compliance with the decision of the Court of Appeals the order of the Commission of August 4, 1914, be and hereby is rescinded.

2. That the entire portion of the cost of the work performed under the determination of the Commission for the elimination of Hartsdale Avenue grade crossing which under the statute is chargeable to the municipality shall be paid by the Town of Greenburgh, and that no part of the cost of said work is charged upon the Town of Scarsdale.

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway, and the construction of an undergrade crossing.

Upon the recommendation of The New York Central Railroad Company as indicated by the signature of its chief engineer, and of the Buffalo, Rochester and Pittsburgh Railway Company as indicated by the signature of its general manager, on a detail masonry plan dated March 23, 1917, showing abutments and piers for the undergrade crossing to be constructed pursuant to a determination of the Commission dated July 26, 1916, in the matter above entitled; and upon the approval of the local authorities as similarly indicated by the approval signatures on said plan of the mayor and deputy city engineer of the City of Rochester, it is

Ordered: That said detail masonry plan be and it is hereby approved.

[Case No. 5385]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ONEONTA LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$85,000 common capital stock, for change in accounting order, and for approval of re-classification of \$75,000 existing preferred stock as common.

Supplemental
order.

Petition filed January 18, 1916; details of changes in fixed capital accounts filed January 18, 1916; report of division of capitalization dated March 25, 1916; report of electrical engineer dated April 13, 1916; report of gas engineer dated April 13, 1916 (above two reports appended to final report of division of capitalization); certified copy of certificate of increase of capital stock filed April 17, 1916; final report of division of capitalization dated April 18, 1916; correspondence from company containing stipulation with reference to correction of accounts, dated June 8 and 15, 1916; hearing held July 20, 1916; order entered August 8, 1916; allocation of fixed capital filed December 14, 1916; report of division of light, heat, and power upon such allocation dated February 1, 1917; company's comments on the aforesaid report filed February 27, 1917; report of division of light, heat, and power allocating property of the petitioner dated April 26, 1917; report of

division of capitalization dated May 16, 1917. In this matter, clause No. 6 of the order entered on August 8, 1916, provided as follows:

6. That the Oneonta Light and Power Company shall allocate its fixed capital as of December 31, 1908, in accordance with the stipulations herein dated June 8 and 15, 1916, in a manner satisfactory to the Commission, taking into consideration in this connection the reports of its division of capitalization and engineers, which allocation shall be submitted to the Commission for its approval on or before December 1, 1916, which approval must be obtained before such allocation is spread upon the books of the petitioner.

Under date of December 14, 1916, the company submitted a statement containing the required detail of fixed capital which was referred to the Commission's division of light, heat, and power, which division under date of April 26, 1917, prepared an allocation of such fixed capital to be substituted for that presented by the company. Under date of May 12, 1917, the company stated that after careful consideration it decided to accept such distribution. Now therefore, upon the foregoing record, it is

Ordered: That the said distribution of fixed capital of the Oneonta Light and Power Company as of December 31, 1915, contained in the report of the division of light, heat, and power in this proceeding, dated April 26, 1917, which report on April 30, 1917, was sent to such corporation, and under date of May 12, 1917, accepted by it, is hereby approved; and the company is authorized and directed to spread the amount of the same among the appropriate accounts upon its books, and to file within thirty days of the service of this order an affidavit of such fact, together with a copy of the journal entry making such distribution.

[Case No. 5777]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 22nd day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of POLISH CITIZENS PROTECTIVE ASSOCIATION *against* THE NEW YORK CENTRAL RAILROAD COMPANY on account of smoke from trains and roundhouse at East Buffalo.

The complainant and the respondent in the above entitled proceeding having filed with the Commission a written stipulation consenting that the complaint be dismissed and the case closed, it is

Ordered: That the complaint in the above entitled proceeding be and the same is hereby dismissed and the case closed upon the books of the Commission.

[Case No. 5917]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the TRUSTEES OF THE
VILLAGE OF FRANKFORT, Herkimer county, *against*
UTICA GAS AND ELECTRIC COMPANY as to readiness
to serve charge.

Complaint filed February 23, 1917; answer filed March 20, 1917; hearing
held at the office of the Commission in the city of Albany on April 23, 1917.
Upon the facts and conclusions set forth in the accompanying memorandum,
it is

Ordered: That the complaint herein be and the same hereby is dismissed
and the case closed upon the records of the Commission.

[Case No. 5993]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 22nd day
of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF SODUS
CENTER AND VICINITY, Wayne county, *against* THE
PENNSYLVANIA RAILROAD COMPANY (Northern Cen-
tral Railway, lessor), protesting against proposed
discontinuance of an agent at the Sodus Center station
and making it a flag stop.

In this matter the company answered that it "has no present intention of
discontinuing the agent at Sodus Center"; representative of complainants was
so informed and notified the Commission that they "are willing that this
case be closed on the records of the Commission as satisfied"; the Commis-
sion notified the company that it holds, under section 54, Railroad Law, the
services of an agent at this station may not be discontinued without its con-
sent, after petition by the company. Under these circumstances it is

Ordered: That this case is hereby closed on the records of the Commission
as satisfied.

370 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 1519]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Reference is made to the general order of this Commission in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its orders duly made and entered in the matter first above entitled on July 10, 1916, and May 1, 1917, determined and directed that the previous orders therein entered shall be so modified as to provide for an extension of West First street to Washington street, and the improvement of a portion of Washington street, according to a certain plan approved by this Commission and under its direction, the total cost of such street extension and change having been estimated at the sum of \$25,000, of which total cost the share of the State of New York as fixed by statute would be the sum of \$6250; now therefore it is

Ordered: That from funds heretofore appropriated by the Legislature to meet the share of the State in the cost of elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission to meet the State's share of the cost of other grade crossing eliminations heretofore ordered and now under way (the available balance being approximately the sum of \$389,500), there shall now be segregated and set apart to the credit of grade crossing case No. 1519 above entitled the additional sum of \$6250, to meet the State's share of the cost of said extension of West First street and improvement of a portion of Washington street in said case, as such cost may be hereafter and from time to time duly determined and certified by this Commission.

[Case No. 3104]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the NIAGARA AND ERIE POWER COMPANY for authority to issue \$20,000 par value of its capital stock, and \$60,000 par value of its 30-year 5 per cent gold coupon bonds secured by its mortgage dated December 26, 1910.

Supplemental
order.

By order herein dated August 21, 1912, the Niagara and Erie Power Company was authorized to issue \$20,000 par value of its common capital

stock, and \$60,000 face value of its 5 per cent 30-year first mortgage gold coupon bonds, to sell the former at its par value and the latter for not less than 85 per cent of their face value, and to use the proceeds realized from the sale of such securities for extensions and improvements to its property and for reimbursement of the treasury for expenditures from income for capital purposes from January 1, 1911, to May 31, 1912. According to verified reports filed herein in accordance with the requirements of said order, it appears that none of the bonds so authorized have been issued, but that all of the stock has been sold and \$11,000 of the proceeds accounted for, leaving a balance of cash on hand of \$9000. Under date of November 30, 1915, the Niagara and Erie Power Company [in case No. 5328] asked for permission to issue \$12,000 par value of its common capital stock, and \$80,000 face value of 5 per cent 30-year first mortgage gold coupon bonds, to sell the former at its par value and the latter for not less than 80 per cent of their face value, and to use the proceeds realized from the sale thereof for extensions and improvements to its property and for reimbursement of the treasury for expenditures from income for capital purposes from January 1, 1911, to June 30, 1915. By order of even date herewith in that proceeding, the aforesaid application as amended by a supplemental petition filed on May 8, 1917, therein was granted. In said petition in case No. 5328 the company stated that it did not intend to carry out the work for which the \$60,000 face value of bonds or their proceeds, or the proceeds of \$9000 realized from the sale of a like amount of capital stock, as heretofore mentioned were authorized to be used by the aforesaid order in case No. 3104, and asked that said order in that proceeding dated August 21, 1912, be amended to authorize the issuance of \$20,000 par value of common capital stock only, and for permission to transfer the remaining unexpended balance of proceeds realized from the sale at par of \$9000 of such stock to case No. 5328, and there report the expenditure thereof in connection with the purposes for which securities are therein authorized. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order in this proceeding dated August 21, 1912, is hereby modified and amended to authorize the issuance at not less than its par value of \$20,000 par value of common capital stock, and the use of \$11,000 of the proceeds realized from the sale of an equivalent amount thereof at par for the reimbursement of its treasury for expenditures from income for capital purposes from January 1, 1911, to May 31, 1912, as set forth in subdivision (c) of clause 4 thereof, and that the authorization in addition thereto to issue and sell for not less than 85 per cent of their face value of \$60,000 face value of 5 per cent 30-year first mortgage gold coupon bonds and to use the proceeds realized from such sale is hereby vacated.

2. That the capital stock which still remains unsold and the proceeds thereof at par to be expended in this proceeding, amounting to \$9000, is hereby transferred to case No. 5328, a subsequent application of the petitioner, and verified reports of the disposition of such unexpended balance shall be filed in that proceeding.

3. That this case is hereby closed upon the records of the Commission.

372 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 3674]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of May, 1917.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARE,
JOHN A. BARHITE,
Commissioners.**

In the matter of the Application of the NIAGARA AND ERIE POWER COMPANY for authority pursuant to the provisions of section 69 of the Public Service Commissions Law to issue \$50,000 par value of first mortgage 5 per cent 30-year gold coupon bonds.

**Supplemental
order.**

By order herein dated August 28, 1913, the Niagara and Erie Power Company was authorized to issue and sell for not less than 80 per cent of their face value, \$45,000 face value of its 5 per cent 30-year first mortgage gold coupon bonds, and to use the proceeds realized from the sale thereof for extensions and improvements to its property as set forth in clause No. 3 of said order. According to verified reports filed herein in accordance with the requirements of said order, it appears that \$32,000 face value of such bonds have been sold and the proceeds thereof accounted for. By petition filed under date of November 30, 1915, in case No. 5328, which application, as amended by supplemental petition filed on May 8, 1917, was granted by order therein of even date herewith, the company stated that all of the work for which said bonds were authorized in this case had been completed, and asked for the cancellation of the authority to issue the additional \$13,000 of bonds still unsold in this proceeding. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order in this proceeding dated August 28, 1913, is hereby modified and amended to authorize the issuance at not less than 80 per cent of their face value of \$32,000 face value of 5 per cent 30-year first mortgage gold coupon bonds, and the use of the proceeds realized from their sale on account of extensions and improvements as set forth in clause 3 thereof, and that the authorization in addition thereto to issue and sell \$13,000 of bonds and to use the proceeds realized from their sale is hereby vacated.

2. That this case is hereby closed upon the records of the Commission.

[Case No. 5328]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of May, 1917.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARE,
JOHN A. BARHITE,
Commissioners.**

In the matter of the Petition of NIAGARA AND ERIE POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$12,000 in common capital stock and \$80,000 in 5 per cent 30-year gold bonds under an existing mortgage.

Petition filed November 30, 1915; report of division of capitalization dated March 22, 1916; report of division of light, heat, and power dated

May 11, 1916; final report of division of capitalization dated June 19, 1916. Supplemental petition filed May 8, 1917; superseding final report of division of capitalization dated May 17, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Niagara and Erie Power Company is hereby authorized to issue \$120,000 face value of its 5 per cent 30-year first mortgage gold coupon bonds under a certain indenture, deed of trust, or mortgage dated December 26, 1910, given to the Guaranty Trust Company of New York as trustee, to secure an authorized issue of a total face value of \$1,250,000.

2. That the Niagara and Erie Power Company is hereby authorized to issue \$15,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least \$15,000.

3. That said bonds of the total face value of \$120,000 may be sold for not less than 80 per cent of their face value and accrued interest to give net proceeds of at least \$96,000.

4. That said bonds and stock of the total face and par value of \$135,000, or the proceeds thereof to the amount of \$111,000, shall be used solely and exclusively for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the period from January 1, 1911, to November 30, 1915, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.....	\$35,478 76
(b) For expenditures made and to be made for extensions and improvements to the property of the company as set forth in the supplemental petition filed herein on May 8, 1917, which details as therein shown supersede those contained in the original petition filed herein on November 30, 1915, as follows:	
1. For the extension of the 4000-v. Fredonia distributing system to the east town line of town of Pomfret, as detailed in paragraph I as follows:	
Poles and fixtures	\$78.10
Distribution system	32.88
	\$105.98
2. For the extension of the 4000-v. Fredonia distributing system from the east town line of the town of Pomfret to serve five consumers in the town of Sheridan, as detailed in paragraph II as follows:	
Poles and fixtures.....	\$918.97
Distribution system	624.19
	1,538.16
3. For the extension of the Angola distributing system through the towns of Evans and Hamburg, as detailed in paragraph III as follows:	
Poles and fixtures.....	\$8,118.28
Distribution system	11,534.40
Line transformers and devices.....	3,884.15
Electric services	612.72
Electric meters	677.06
Electric meter installation.....	88.18
Municipal street lighting system....	1,848.48
Sub-station equipment	1,052.83
	27,811.05
4. For the extension of the 4000-v. distributing system to Thies Corners, in Laona, as detailed in paragraph IV as follows:	
Poles and fixtures.....	\$904.07
Distribution system	1,074.21
	1,978.28
5. For the extension of the 4000-v. Fredonia system from the village of Brocton to serve five consumers in the town of Portland, as detailed in paragraph V as follows:	
Poles and fixtures.....	\$385.54
Distribution system	628.94
	964.48
6. For installations at Gardenville sub-station for supplying 2200-v. distributing and street lighting system of The Depew and Lancaster Light, Power and Conduit Company, as detailed in paragraph VI as follows:	
Sub-station equipment	3,787.32

7. For the extension of the Fredonia distributing system from Thies Corners, Laona, to the village of Cassadaga and Lily Dale Assembly Grounds, with local distributing and street lighting system in village of Cassadaga, the estimated cost of which is detailed in paragraph VII as follows:		
Land devoted to electric operations..	\$800.00	
Poles and fixtures	5,506.90	
Distribution system	2,849.88	
Line transformers and devices.....	653.90	
Electric services	750.00	
Electric meters	500.00	
Municipal street lighting system....	1,761.50	
Engineering and superintendence...	1,282.22	
Contingencies	2,115.60	
Interest during construction.....	162.20	
		16,382.20
8. For the construction of a 4000-v. 3-phase distributing line from the outdoor sub-station on the premises of Atlas Crucible Steel Company to the municipal power plant of City of Dunkirk, the estimated cost of which is detailed in paragraph VIII as follows:		
Poles and fixtures	\$831.28	
Distribution system	2,199.50	
Electric meters	316.00	
Engineering and superintendence...	334.68	
Contingencies	552.22	
Interest during construction.....	42.33	
		4,276.01
9. For the construction of a 60000-v. to 4000-v. outdoor transformer station of 4500-kva. capacity, the estimated cost of which is detailed in paragraph IX		
Engineering and superintendence....	\$22,600.00	
Contingencies	2,260.00	
Interest during construction.....	487.50	
	253.47	
		25,600.97
10. For estimated legal expenses, in connection with completing the acquisition of Mayville line, extending business and purposes, and procuring franchises, as set forth in paragraph X.....		
		2,425.00
		84,869.45
		\$120,343.21
Proceeds to be realized from the sale of bonds and stock herein authorized		
	\$111,000.00	
Plus unexpended balance of proceeds realized from the sale of \$20,000 par value of common capital stock authorized in case No. 3104, transferred to this proceeding by order in that case dated May 29, 1917..		
	9,000.00	
		120,000.00
Amount unprovided for		
		\$343.21
in so far as the same may be applicable, provided (1) that such bonds and stock or the proceeds thereof shall be applied on such new construction summarized in subdivision (b) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the face and par value of the bonds and stock herein authorized, no portion of the proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in the supplemental petition herein are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the work to be done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present		

estimate of the probable cost of such work, the actual cost of which must be actual expenditures made as defined in the Commission's Uniform System of Accounts for Electrical Corporations.

5. That if the said securities of a total face and par value of \$135,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$120,343.21, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Niagara and Erie Power Company unless any such pledge or hypothecation shall have been expressly approved by this Commission.

7. That the Niagara and Erie Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause 4 of this order there shall be shown the amount used therefor during such period of the proceeds of the securities herein authorized; (g) with respect to subdivision (b) of clause 4 of this order there shall be shown (1) in detail the amount expended therefor during such period of the proceeds of the securities herein authorized, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures during such period for each of such purposes; (3) a summary by the prescribed accounts of the expenditures during such period. In reporting under subdivision (g) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended or used the report shall set forth such fact.

8. That the Niagara and Erie Power Company is hereby authorized to sell \$15,000 par value of its common capital stock herein authorized to be issued to the Niagara, Lockport and Ontario Power Company, Buffalo and Lake Erie Traction Company, and Erie and Suburban Railway Company.

9. That the Niagara, Lockport and Ontario Power Company, Buffalo and Lake Erie Traction Company, and Erie and Suburban Railway Company are hereby authorized to acquire 150 shares, each of the par value of \$100, aggregating the total par value of \$15,000, of the common capital stock of the Niagara and Erie Power Company herein authorized to be issued.

10. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees in good faith to comply with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5696]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the ELMIRA WATER, LIGHT AND RAILROAD COMPANY for permission and approval, pursuant to sections 55 and 69 of the Public Service Commissions Law, to issue \$222,000 of its 5 per cent fifty-year gold bonds under its first consolidated mortgage, to construct a plant for manufacturing, mixing, and distributing gas; and for the establishment, pursuant to sections 66 and 72 of the Public Service Commissions Law, of a schedule of rates for the sale and distribution of the gas so manufactured and mixed; also in the matter of the amended and supplemental petition of the Elmira Water, Light and Railroad Company for leave to issue \$350,000 of its 5 per cent fifty-year gold bonds under its first consolidated mortgage.

The original petition filed in this case on September 6, 1916, asked for authority to issue \$222,000 of first consolidated mortgage bonds at 92½, the proceeds of which are to be used in payment for expenses to be incurred in constructing a water gas plant in the city of Elmira, N. Y., and adjoining territory, and in extending its distribution system; and for the approval by the Commission of a proposed schedule of rates for the sale and distribution of mixed gas in said territory after the completion of such new gas plant and the placing of the same in operation. Three hearings were held at the office of the Commission in Albany, N. Y., on October 31, 1916; April 19, 1917; and May 17, 1917, respectively. At all of the hearings the application was opposed, so far as an increase in rates is concerned, by the City of Elmira, represented by its corporation counsel. The Potter Gas Company which sells natural gas to the petitioner was also represented by counsel; and Stanchfield, Lovell, Falck and Sayles, by Mr. Ross Lovell, appeared for the petitioner. The disposition of the case by the Commission has been postponed from time to time in order to enable the authorities of the City of Elmira to retain such experts as it might desire to examine into the rate question, as well as the necessity for the construction of a new gas plant. At the last hearing, it transpired that due to the great increase in the price of materials and labor since the original application was filed, it was estimated that the cost of the new plant would be at least \$322,000, based on present prices, which is more than \$80,000 in excess of the estimates on which the original petition was based. In the meantime, the city has not made the proposed investigation of the gas situation and it is not certain when such investigation will be completed. The Commission, having in mind the desirability of an adequate supply of gas in the city of Elmira, and the fact that the prices of material and labor seem to be gradually rising, stated at the last hearing that in its opinion the interests of the citizens of Elmira require that there should be no further postponement of the construction of a new water gas plant as proposed by the corporation. Further delay might necessitate the payment of higher rates for gas because of the additional cost of the plant, and this burden ought not to be placed upon the public if it can be avoided. It was therefore stipulated and agreed at such hearing by the representatives of the petitioner and the city that the petitioner should proceed forthwith to construct its proposed new gas plant in order that the same

may be placed in operation as soon as practicable, that the matter of capitalization should be disposed of by the Commission at once, and that a schedule of tentative rates should be fixed by the Commission at or about the time the petitioner is ready to place its new gas plant in operation, such tentative rates to continue for one year, with the understanding that at the end of that period and as soon thereafter as practicable, rates shall be fixed by the Commission which shall continue for a period of years; and that if the rates so determined by the Commission shall be less than the tentative rates to be fixed pursuant to the stipulation of the parties, the difference between the tentative rates and the permanent rates shall be refunded to the customers of the petitioner. It is therefore

Ordered: 1. That pursuant to the agreement of the parties herein, the petitioner shall give the Commission and the corporation counsel of the City of Elmira at least thirty days' notice, in writing, of the date when it is proposed to put the new water gas plant in Elmira in operation, and thereupon the Commission shall fix tentative rates for gas to be sold by the petitioner in the city of Elmira and adjoining territory, such rates to be effective on or about the date when such new plant is placed in operation.

2. Prior to the fixing of such tentative rates, the Commission shall give the authorities of the City of Elmira an opportunity to present any evidence they may desire relative thereto, and the order of the Commission fixing such rates shall provide that they shall remain in force for a period of one year from the date of the order and for such a period thereafter as may be necessary to enable the Commission to fix a schedule of maximum rates as hereinafter set forth.

3. Promptly after the expiration of the one year period hereinbefore referred to, the Commission shall give the parties to this proceeding an opportunity to be heard and to present evidence with respect to said tentative rates, and thereafter the Commission shall determine the just and reasonable rates to be charged for gas by the petitioner for a period of not exceeding three years from a date to be fixed by the Commission.

4. That in the event that the Commission shall find after investigation that the said tentative rates are unreasonable and should be reduced, and a schedule of lower rates is put into effect by order of the Commission, then said Elmira Water, Light and Railroad Company shall refund to each of its customers such an amount in cash as will represent the difference between the tentative rates charged and collected by it from such customers for gas furnished to them and the amounts which they would have paid for such gas if the same had been billed at the rates which are fixed by the Commission as reasonable. All such refunds shall bear interest at the rate of 6 per cent per annum from the date of collection, and shall be paid by the corporation as and when directed by the Commission.

5. If the City of Elmira shall not desire to present any evidence with respect to the rates to be fixed by the Commission after the expiration of the aforesaid one year period, it shall notify the Commission to that effect within twenty days from the time fixed by the Commission for a hearing upon the question of gas rates in the city of Elmira; and if it intends to present any evidence with respect thereto, it shall proceed so to do upon the date fixed by the Commission for the hearing. If the city shall fail to proceed promptly as herein provided, the Commission is to make such investigation as it may deem proper and thereafter fix the schedule of rates for gas in the city of Elmira for a period of not exceeding three years from the date of the order establishing such rates.

6. The City of Elmira and the Elmira Water, Light and Railroad Company shall notify the Commission within fifteen days from the date of this order whether the terms of the same are accepted and will be obeyed by them in all respects.

[Case No. 6031]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of FRANK SULLIVAN SMITH AS RECEIVER OF THE PITTSBURG, SHAWMUT AND NORTHERN RAILROAD COMPANY for approval, under section 55 of the Public Service Commissions Law, of receiver's certificates of indebtedness to the aggregate amount of \$525,000.

By petition filed herein the 26th day of May, 1917, The Pittsburg, Shawmut and Northern Railroad Company, by its duly appointed Receiver, Frank Sullivan Smith, prays for authority to issue its 6 per cent two-year certificates of indebtedness to the aggregate amount of \$525,000 face value, to be used for refunding, by exchange at face value, of a like amount of certificates of the petitioner bearing interest at the rate of 5 per cent per annum, which mature June 1, 1917. The issuance of these securities has been authorized by the Supreme Court of the State of New York and the District Court of the United States for the Western District of Pennsylvania, by orders dated May 19 and 29, 1917, respectively, copies of which are attached to the petition herein as exhibits I and J. Now therefore, upon the foregoing record,

Ordered as follows: 1. That Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, is hereby authorized to issue his certificates of indebtedness to the aggregate amount of \$525,000 face value, bearing interest at the rate of 6 per cent per annum, to be dated June 1, 1917, maturing on or before June 1, 1919.

2. That said certificates of indebtedness of the total face value of \$525,000 shall be used solely and exclusively for the purpose of exchange at face value for certificates of indebtedness of like amount maturing June 1, 1917.

3. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

4. That Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what certificates have been exchanged or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such exchange or other disposition; (c) with whom such certificates were exchanged; (d) amount and description of certificates which have been received in exchange; (e) any other terms and conditions of such exchange. Such reports shall continue to be filed until all of said certificates shall have been exchanged in accordance with the authority contained herein, and if during any period no certificates were exchanged the report shall set forth such fact.

5. That the petitioner herein shall within thirty days of the service of this order advise the Commission whether or not he accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the issue of said certificates herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5937]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of May, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of C. A. DURR PACKING COMPANY of Utica *against* AMERICAN EXPRESS COMPANY, asking for additional pick-up service in Utica.

The C. A. Durr Packing Company has a packing house in an outlying part of the city of Utica, one and one-third miles by the traveled streets from the depot of the American Express Company. Its products are shipped in quite large quantities by means of the American Express Company. It desires additional pick-up service. The present service is at about 11 o'clock in the morning and at about 1 in the afternoon. This affords no pick-up service for important shipments from Utica in the forenoon at 9 o'clock and at 9:15, or for another shipment moving at 10:30; and apparently a less important shipment at 8. The greater part of the shipments move in the forenoon. The pick-up at about 11 o'clock seems to be important. The 1 o'clock pick-up is of slight importance, but it causes practically no inconvenience and no expense whatsoever to the express company as the service is performed by a teamster on his road back to the depot after his noonday meal. The complainant desires a pick-up for the 8, 9, and 9:15 trains, another for the 10:30 train, and one for a 3:05 train in the afternoon, in addition to the present service. It is contended that the express company is discriminating against the complainant because it affords superior pick-up service to certain competitors, but these competitors are all situated at points near the express depot. It appears that approximately an hour is required to send a wagon to the complainant's plant, take a load, and bring it to the depot, and that this time is occasionally increased by the blocking of a grade crossing by freight trains. It is the function of the Commission to prevent unjust discrimination but not to overcome natural disadvantages in location by imposing the burden caused thereby upon carriers. Nevertheless, in view of the evidence, it would seem that the business of the complainant is sufficient in the early morning at least to make it just and reasonable that additional service should be rendered. In letters addressed to the Commission May 24th and May 29th respectively, the respondent, through its superintendent, informs the Commission that it is willing to continue its present service, and in addition make a pick-up trip as near 7 o'clock in the morning as possible, and not later than 7:30. This, in the opinion of the Commission, reasonably satisfies the complaint. It is therefore

Ordered: That the complaint be and the same hereby is closed on the records of the Commission, with permission to reopen the same, however, should the respondent fail, within ten days after the service of a copy of this order, to establish the additional service indicated by said letters; or if in the future such service shall not be maintained, or changed conditions render other service reasonably necessary.

Special Permission Tariffs, May, 1917.

No. 6537; May 1, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated April 30, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Com-

mission, a tariff schedule, establishing therein a rate of seventy-nine cents per two thousand pounds to apply on Crushed Stone, and Crushed Stone Coated with Oil or Asphaltum, carloads, minimum weight sixty thousand pounds, from Little Falls, N. Y., to Phoenix, N. Y. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3226, effective May 7, 1917.

No. 6538; May 1, 1917; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That under its application therefor dated April 30, 1917, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than five days' notice to the public and the Commission, a local freight tariff of terminal regulations, switching charges, etc., reissuing its tariff P. S. C., 2 N. Y., No. 234, and establishing a regulation to provide in substance that carload freight on which the railroad company has received road-haul revenue at rates applying from shipping point to Gloversville, N. Y., will be switched from Gloversville, N. Y., to sub-station siding located on East Main Street branch of the Fonda, Johnstown and Gloversville Railroad Company's electric division at Johnstown, N. Y., at charge of three dollars per car. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 239, effective May 15, 1917.

No. 6539; May 2, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated May 1, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule establishing a rate of one dollar per 2240 pounds to apply on Iron Ore, carloads, minimum weight as per official classification in effect at time of shipment, from East Buffalo, N. Y., to Rome, N. Y. This authority does not waive any of the requirements of the Commission's rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3230, effective May 10, 1917.

No. 6540; May 2, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated April 30, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, under effective date May 11, 1917, and on not less than one day's notice to the public and the Commission, a supplement to its tariff of Exceptions to Official Classification G. O., P. S. C., 2 N. Y., No. 861, for the purpose of canceling supplement No. 18 and putting into effect the cancellations of rates on Foundry Flour as originally provided for in Item 172-A as shown in supplement No. 4 to said tariff. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having vacated its order of suspension, permitting the cancellation of said rates to become effective May 11, 1917.

Completed by supplement No. 30 to G. O. P. S. C. No. 861, effective May 11, 1917.

No. 6541; May 2, 1917; R. N. Collyer, Agent:

Ordered: That under application therefor dated May 1, 1917, R. N. Collyer, Agent, duly authorized by various carriers to publish and file Official

Classification, be and is hereby authorized to file, effective July 1, 1917, on not less than fifty days' notice to the public and the Commission, a supplement to Official Classification P. S. C., 2 N. Y., O. C. No. 44, containing no other matter than the establishment of the following regulations: "(A): Revision of Table of Rates to be used in connection with Rule 28, figured under rule for disposition of fractions as set forth in paragraph 7 of I. C. C. Special Permission No. 41750 in connection with proposed general increases in freight rates and charges. (B): Revision of Rule 34 covering disposition of fractions in computing rates so as to agree with rule for disposition of fractions as set forth in paragraph 7 of I. C. C. Special Permission No. 41750, as noted above. (C): Revision of item 9, page 355, P. S. C., 2 N. Y., O. C. No. 44, increasing the rates in cents per mile for cars moved on own wheels by 15 per cent; this changing rate of 12.6 cents to 14.5 cents; rate of 10.5 cents to 12 cents; rate of 8.4 cents to 9.5 cents, rate of 6.3 cents to 7 cents; and rate of 4.2 cents to 5 cents per mile for the various kinds of cars as enumerated in the item". This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having given similar special permission to publish these classification changes in a like manner as applicable to interstate traffic.

Completed by supplement No. 7 to P. S. C. O. C. No. 44, effective July 1, 1917.

No. 6542; May 2, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor dated May 1, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, within five days from the date hereof and on not less than one day's notice to the public and the Commission, a freight tariff of local and joint commodity rates on Iron Ore, in carloads, from Black Rock, N. Y., Buffalo, N. Y., East Buffalo, N. Y., and Harriet, N. Y., to various points on the Delaware, Lackawanna and Western railroad and its connections: superseding tariff P. S. C., 2 N. Y., No. 2811, filed to take effect May 1, 1917, and restoring the rates which were in effect prior to May 1, 1917, as published in its tariff P. S. C., 2 N. Y., No. 2787. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by P. S. C. No. 2820, effective May 7, 1917.

No. 6543; May 3, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated May 2, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein a switching charge of five dollars per car for the movement of Sugar in carloads at LeRoy, N. Y., from Rogerson Cold Storage Company to Genesee Pure Food Company. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1341, effective May 7, 1917.

No. 6544; May 3, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor dated May 3, 1917, The Delaware and Hudson Company be and is hereby authorized to file, effective May

7, 1917, on not less than one day's notice to the public and the Commission, passenger tariff schedules as canceling its passenger tariffs P. S. C., 2 N. Y., Nos. 1328, 1341, and 1381, for the purpose of establishing one-way and round-trip fares; also special one-way strip ticket fares to apply between Albany, N. Y., and Troy, N. Y., and points intermediate, as set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by P. S. C. Nos. 1554, 1555, and 1556; effective May 7, 1917.

No. 6545; May 3, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., and East):

Ordered: That under its application therefor dated May 3, 1917, The New York Central Railroad Company (line Buffalo, N. Y., and east) be and is hereby authorized to file, effective May 7, 1917, on not less than one day's notice to the public and the Commission, passenger tariff schedules amending its tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 221, 348, and 735, for the purpose of establishing one-way and round-trip fares, also special one-way strip ticket fares, to apply between Albany, N. Y., and Troy, N. Y., and points intermediate, as set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 221, supplement No. 6 to P. S. C. No. 348, and supplement No. 26 to P. S. C. No. 735; effective May 7, 1917.

No. 6546; May 3, 1917; Albany Southern Railroad Company:

Ordered: That under its application therefor dated April 30, 1917, the Albany Southern Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than five days' notice to the public and the Commission, a supplement to its tariff of Car Demurrage Rules, P. S. C., 2 N. Y., No. 137, for the purpose of changing Rules 7 and 9 in accordance with the exhibit attached to said application, which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having authorized similar changes in said rules applicable to interstate traffic.

Completed by supplement No. 1 to P. S. C. No. 137, effective May 10, 1917.

No. 6547; May 4, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated May 3, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein the following rates to apply on Fluid Milk, in forty-quart cans, from Rosiere, N. Y., and Chaumont, N. Y., to Adams Center, N. Y.: Less carloads, minimum 75 cans, 24.2 cents per can; carloads, minimum 250 cans, 21.1 cents per can; said rates not to include icing but will include free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3227, effective May 7, 1917.

No. 6548; May 4, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its applications therefor dated May 4, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, effective May 9, 1917, on not less than three days' notice to the public and the Commission, supplements to its tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 3210 and 3211, filed to take effect June 1, 1917, containing notice of cancellation of said tariffs, and reference for future rates to tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 441 and 2784. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by supplements No. 1 to P. S. C. N. Y. C., Nos. 3210 and 3211, effective May 9, 1917.

No. 6549; May 5, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated May 3, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, effective not earlier than May 15, 1917, and on not less than one day's notice to the public and the Commission, a tariff covering Iced Refrigerator car Pick-up Service for the transportation of butter, cheese, and eggs, and other perishable freight from stations on the Ontario and St. Lawrence divisions of its line to New York, N. Y., establishing the rates, regulations, and charges as set forth in exhibit attached to said application, which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given for the purpose of correcting a typographical or clerical error, the company having filed the proposed tariff on statutory notice but showed thereon the date effective as May 15, 1197, instead of May 15, 1917.

Completed by P. S. C. N. Y. C. No. 3231, effective May 15, 1917.

No. 6550; May 5, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor dated May 4, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, effective May 21, 1917, on not less than three days' notice to the public and the Commission, a supplement to its tariff P. S. C., 2 N. Y., No. 2737, Absorption of Switching Charges, for the purpose of providing for the absorption of the Buffalo Creek Railroad's increased switching charges at Buffalo, N. Y., from \$2.10 to \$2.60 per car. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction.

Completed by supplement No. 5 to P. S. C. No. 2737, effective May 21, 1917.

No. 6551; May 5, 1917; Various Railroad Corporations:

Ordered: That under application therefor dated May 5, 1917, and in view of the special circumstances set forth therein, the Buffalo, Rochester and Pittsburgh Railway Company; The Delaware, Lackawanna and Western Railroad Company; Erie Railroad Company (lines Buffalo, Salamanca, N. Y., east and west); Lehigh Valley Railroad Company; The New York Central Railroad Company (lines Buffalo, N. Y., Clearfield, Penna., east and west); The New York, Chicago and St. Louis Railroad Company; and The Pennsylvania Railroad Company, be and they are hereby authorized to file, either individually or through their agent, effective July 1, 1917, upon not less than fifty days' notice to the public and the Commission, supplements to tariffs,

now under postponement until September 30, 1917, under special permissions Nos. 6477, 6482, 6483, 6484, 6486, 6487, and 6490, proposing to increase rates in the form prescribed in and subject to the conditions contained in special permission No. 6533, dated April 28, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law in any manner or to any extent other than herein specifically stated. The Commission does not hereby approve any rates or charges that may be filed under this permission, all such rates or charges being subject to protest, suspension, complaint, investigation, and correction if in conflict with any provisions of the laws of the State of New York.

Completed by proper schedules, filed by carriers named.

No. 6552; May 5, 1917; Buffalo, Lockport and Rochester Railway Company:

Ordered: That under its application therefor dated May 4, 1917, the Buffalo, Lockport and Rochester Railway Company be and is hereby authorized to file, effective not earlier than May 15, 1917, and on not less than three days' notice to the public and the Commission, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 226, for the purpose of providing a regulation that interchangeable ticket books sold on or after May 15, 1917, will not be accepted for transportation by the New York State Railways, Utica lines. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by supplement No. 3 to P. S. C. No. 226, effective May 15, 1917.

No. 6553; May 1, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on or before June 1, 1917, and on not less than three days' notice to the public and the Commission, a supplement to its tariff P. S. C., 2 N. Y., No. 1336, Transfer and Storage Charges on Pig Iron (ex-lake) at Buffalo, N. Y., filed to take effect June 1, 1917, for the purpose of canceling said tariff and restoring into effect the rates shown in tariff P. S. C., 2 N. Y., No. 829. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by supplement No. 1 to P. S. C. No. 1336, effective May 12, 1917.

No. 6554; E. Morris, representing various carriers:

Ordered: That under application therefor the carriers herein specified or their duly authorized agents be and they are hereby authorized to file, under date of issue and without notice to the public and the Commission, supplements to freight tariffs for the purpose of postponing until November 15, 1917, the effective dates of freight rate schedules operating to effect increased rates on Dextrine and Starch, now under postponement under special permission No. 6391 until May 15, 1917, designated as follows:

Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof): Tariffs P. S. C., 2 N. Y., Nos. A-620, A-621, and A-622; tariff supplements No. 10 to P. S. C., 2 N. Y., No. A-507; No. 4 to P. S. C., 2 N. Y., No. A-594; No. 3 to P. S. C., 2 N. Y., No. A-608.

The New York, Chicago and St. Louis Railroad Company: Tariff supplements No. 3 to P. S. C., 2 N. Y., No. 563; No. 7 to P. S. C., 2 N. Y., No. 561.

E. Morris, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west): Supplement No. 2 to his tariff P. S. C., 2 N. Y., No. 29.

In cases where any of the tariff publications, the effective date of which is herein authorized to be postponed, have been canceled by a superseding tariff or supplement to a tariff, this order also authorizes proper amendment

to such superseding tariff publication. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having further suspended the effective date of said tariffs and tariff supplements to November 15, 1917, as to interstate traffic; it is limited strictly to its terms, and does not include later supplements to or reissues of the tariffs amended thereby.

Completed by schedules filed by the carriers named May 12, 1917.

No. 6555; May 8, 1917; West Shore Railroad. (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated May 7, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein a rate of fifty-three cents per two thousand pounds to apply on Crushed Stone, carloads, minimum weight sixty thousand pounds, from South Bethlehem, N. Y., to Catskill, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 966, effective May 12, 1917.

No. 6556; May 8, 1917; Catskill and New York Steamboat Company, Ltd.:

Ordered: That under its application therefor dated May 7, 1917, the Catskill and New York Steamboat Company, Ltd., be and is hereby authorized to file, within thirty days from the date hereof and on not less than five days' notice to the public and the Commission, a joint class and commodity tariff in connection with the Catskill Mountain Railroad Corporation, and establish therein class and commodity rates to apply between New York city landings and stations on the Catskill Mountain Railroad Corporation's line. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by P. S. C. No. 18, effective May 18, 1917.

No. 6557; May 8, 1917; Merchant's Line:

Ordered: That under its application therefor dated May 8, 1917, the Merchant's Line be and is hereby authorized to file, effective May 9, 1917, without notice to the public and the Commission, a joint commodity tariff applying from New York, N. Y., Brooklyn, N. Y., and points within the free lighterage limits of New York harbor, via its barge line, Troy, N. Y., Boston and Maine railroad, and Greenwich and Johnsonville railway, to Battenville, N. Y., Center Falls, N. Y., Greenwich, N. Y., Middle Falls, N. Y., Thomson, N. Y., and Trionda, N. Y., and establish therein rates in cents per hundred pounds, minimum carload weight 36,000 pounds, as follows: On Alumina, Sulphate; Ammonia, Sulphate; Potash, Sulphate; Rosin; and Soda, Sulphate, 17½. On Wood Pulp, 15. This authority does not waive any of the requirements of the Commission's rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by P. S. C. No. 1, effective May 9, 1917.

No. 6558; Various Railroad Corporations:

Ordered: That under application therefor the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east), The New York Central Railroad Company (Buffalo, N. Y., Clearfield, Penna., and east), and the West Shore Railroad (The New York Central Railroad Company, lessee), be and they are hereby authorized to file individual consecutively numbered schedules as follows: (1) Tariffs on ex-lake grain traffic from eastern lake ports canceling the present effective tariffs and supplements thereto, and upon thirty days' notice to this Commission and to the public increasing the rates two-tenths of a cent per bushel, such increase being necessary on account of the increase in elevator charges at Buffalo, N. Y. (2) Tariffs canceling those filed under authority granted in the above paragraph to be made effective July 1, 1917, on fifty days' notice to this Commission and to the public, and to propose increases in the line-haul rates of 15 per cent. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law in any manner or to any extent other than herein specifically stated. The Commission does not hereby approve any rates or charges that may be filed under this permission, all such rates or charges being subject to protest, suspension, investigation, and correction if in conflict with any provisions of the statutes. This authority is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having granted a similar authority under its special permission No. 42170, of May 8, 1917.

Completed by proper tariff publications filed by the carriers named.

No. 6559; May 9, 1917; New York State Railways, Utica Lines:

Ordered: That under its application therefor dated May 8, 1917, the New York State Railways, Utica Lines, be and is hereby authorized to file, effective not earlier than May 26, 1917, and on not less than five days' notice to the public and the Commission, a passenger tariff of local round-trip excursion fares from various points on its lines to Summit Park, N. Y., including and not including admission to Summit Park, as set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. U-16, effective May 26, 1917.

No. 6560; May 9, 1917; The Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, Receiver):

Ordered: That under its application therefor dated May 9, 1917, The Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, Receiver) be and is hereby authorized to file, within ten days from the date of this order and on fifteen days' notice to the public and the Commission, a supplement to its tariff P. S. C., 2 N. Y., No. 641, filed to take effect June 1, 1917, for the purpose of postponing the effective date thereof until July 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having granted similar permission as to interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereby.

Completed by supplement No. 1 to P. S. C. No. 641, filed May 16, 1917.

No. 6561; May 10, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under applications therefor dated May 9, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and its leased line, the West Shore Railroad, be and they are hereby authorized to file, effective May 21, 1917, on not less than three days' notice to the public and the Commission, supplements to tariffs N. Y. C. R. R., P. S. C., 2 N. Y., N. Y. C. No. 2284, and West Shore R. R., P. S. C., 2 N. Y., W. S. No. 596, Switching Absorptions at Junction Points, for the purpose of providing maximum switching charges to be absorbed at Buffalo, N. Y., as set forth in exhibits attached to said applications, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by supplements Nos. 14 to P. S. C. N. Y. C. No. 2284, and P. S. C. W. S. No. 596; effective May 21, 1917.

No. 6562; May 11, 1917; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application therefor dated May 9, 1917, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) be and is hereby authorized to file, under date not later than June 15, 1917, and on not less than three days' notice to the public and the Commission, supplements to its tariffs P. S. C., 2 N. Y., Nos. D-91, D-96, and D-99, filed to take effect June 15, 1917, for the purpose of postponing the effective dates of said tariffs from June 15, 1917, until July 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having granted similar permission as to interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff amended thereby.

Completed by supplements Nos. 1 to P. S. C. Nos. D-94; D-96, and D-99; filed May 18, 1917.

No. 6563; May 12, 1917; Boston and Maine Railroad (J. H. Hustis, Temporary Receiver):

Ordered: That under its application therefor dated May 10, 1917, the Boston and Maine Railroad (J. H. Hustis, Temporary Receiver) be and is hereby authorized to file, under date not later than June 15, 1917, and on not less than three days' notice to the public and the Commission, a supplement to its coal and coke tariff P. S. C., 2 N. Y., No. 748, filed to take effect June 15, 1917, for the purpose of postponing the effective date of said tariff until July 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having granted similar permission as to interstate traffic.

Completed by supplement No. 1 to P. S. C. No. 748, filed May 29, 1917.

No. 6564; May 12, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., and East):

Ordered: That under its application therefor dated May 11, 1917, The New York Central Railroad Company (line Buffalo, N. Y., and east) be and is

hereby authorized to file, within thirty days from the date hereof and on not less than three days' notice to the public and the Commission, supplements to its passenger tariffs herein specified, for the purpose of changing in its tariff P. S. C., 2 N. Y., No. 996 (N. Y. C. & H. R. R. R. Co. issue), its rule governing the collection of half fares for children; and in its tariff P. S. C., 2 N. Y., No. 348 (N. Y. C. & H. R. R. R. Co. issue), its fares for 54-trip commutation and 46-trip school tickets between Albany and Troy (Adams and Madison streets) and intermediate points, as set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (d) of Rule 33, Circular No. 55.

Completed by supplement No. 4 to P. S. C. No. 996, and supplement No. 7 to P. S. C. No. 348; effective May 20, 1917.

No. 6565; May 14, 1917; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and West thereof):

Ordered: That under its application therefor dated May 12, 1917, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a supplement to its freight tariff P. S. C., 2 N. Y., No. A-507, canceling as to New York state traffic the rates on Foundry Flour. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e) of Rule 9, Circular No. 55, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission by order in its I. & S. Docket No. 884 having authorized similar cancellation as to interstate traffic.

Completed by supplement No. 19 to P. S. C. No. A-507, effective May 28, 1917.

No. 6566; May 14, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated May 12, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein the following rates to apply on Fluid Milk, in forty-quart cans, from Brownville, N. Y., and Sackets Harbor (Camps Mills), N. Y., to Adams Center, N. Y.: Less carloads, minimum 75 cans, 24.2 cents per can; carloads, minimum 250 cans, 21.1 cents per can; said rates not to include icing but will include free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by B. S. C. N. Y. C. No. 3235, effective May 18, 1917.

No. 6567; May 14, 1917; Erie Railroad Company (Line Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application therefor dated May 12, 1917, the Erie Railroad Company (line Buffalo, Salamanca, N. Y., and east) be and is hereby authorized to file a supplement to its freight tariff P. S. C., 2 N. Y., No. 3753, filed to take effect June 15, 1917, postponing the effective date thereof until October 13, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only

to traffic as to which this Commission has jurisdiction and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having suspended, by its third supplemental order to I. & S. Docket No. 1051, the effective date of said tariff until October 13, 1917, as to interstate traffic.

Completed by supplement No. 2 to P. S. C. No. 3753, filed May 23, 1917.

No. 6568; Various Railroad Corporations:

Ordered: That under application therefor the Buffalo, Rochester and Pittsburgh Railway Company, The Delaware, Lackawanna and Western Railroad Company, Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east), Lehigh Valley Railroad Company, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east), The Pennsylvania Railroad Company, and the West Shore Railroad (The New York Central Railroad Company, lessee) be and they are hereby authorized to file supplements canceling as to New York state traffic, effective on or before June 15, 1917, upon one day's notice to the public and the Commission, the schedules the effective date of which was postponed until August 18, 1917, under authority of this Commission's special permission No. 6506, dated April 16, 1917. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; and in cases where such supplements contain no matter other than the cancellation of the postponed schedules they may be filed without regard to the limitations as to the number of supplements permitted under paragraph (e) of Rule 9, Circular No. 55. This permission is given in order that uniform charges and regulations may obtain as to intrastate traffic and interstate traffic, the Interstate Commerce Commission having by its special permission No. 42210 of May 9, 1917, authorized similar action as to interstate traffic.

Completed by proper schedules filed by the carriers named.

No. 6569; Various Railroad Corporations:

Ordered: That under application therefor the Buffalo, Rochester and Pittsburgh Railway Company; The Delaware and Hudson Company; Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west); Lehigh Valley Railroad Company; E. Morris, Agent; The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east); The New York, Chicago and St. Louis Railroad Company; and West Shore Railroad (The New York Central Railroad Company, lessee) be and they are hereby authorized to file supplements canceling, as to New York state traffic, effective on or before June 15, 1917, upon one day's notice to the public and the Commission, the schedules on Condensed Milk in bulk, the effective date of which was postponed until June 29, 1917, under authority of this Commission's special permissions Nos. 6436, 6437, 6438, dated February 28, 1917; and 6439, dated March 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; and in cases where such supplements contain no matter other than the cancellation of the postponed schedules they may be filed without regard to the limitations as to the number of supplements permitted under paragraph (e) of Rule 9, Circular No. 55. This permission is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by its special permission No. 42210 of May 9, 1917, authorized similar action as to interstate traffic as to schedules under suspension in its I. & S. Docket No. 1038.

Completed by proper cancellation supplements, filed by carriers named.

No. 6570; May 15, 1917; Western New York and Pennsylvania Traction Company:

This permission not used.

No. 6571; May 16, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor dated May 15, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and effective on short notice, a supplement to its tariff P. S. C., 2 N. Y., No. 2800, filed to take effect April 20, 1917, but postponed until August 8, 1917, by supplement No. 1 thereto, for the purpose of vacating said postponement and establishing tariff P. S. C., 2 N. Y., No. 2800, effective as of the date supplement herein authorized is made effective. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e) of Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having vacated its suspension of said tariff by order dated May 12, 1917, in I. & S. Docket No. 1060 so far as relates to traffic consigned to or held at Oswego, Syracuse, Utica, or Buffalo, N. Y.

Completed by supplement No. 2 to P. S. C. No. 2800, effective May 21, 1917.

No. 6572; May 16, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated May 15, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, effective May 17, 1917, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 1303, for the purpose of canceling supplement No. 2 thereto which operated to postpone the effective date of supplement No. 1 until August 13, 1917, the supplement herein authorized to make effective May 17, 1917, the provisions set forth in supplement No. 1 to said tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e) of Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by its order dated May 9, 1917, in I. & S. Docket No. 1068, vacated and set aside as of May 17, 1917, its suspension order of said supplement as to interstate traffic.

Completed by supplement No. 4 to P. S. C. No. 1303, effective May 17, 1917.

No. 6573; May 16, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West):

Ordered: That under its application therefor dated May 14, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) be and is hereby authorized to file, effective June 21, 1917, a supplement to its local mileage tariff on Coal, in carloads, filed to take effect June 21, 1917, P. S. C., 2 N. Y., L. S. No. C-14, for the purpose of postponing the effective date thereof until July 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e) of Rule 9, Circular No. 55; it applies only to traffic as to which the Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having given similar permission to postpone the effective date of said tariff until July 1, 1917, as to interstate traffic.

Completed by supplement No. 1 to P. S. C. L. S. No. C-14, filed May 25, 1917.

No. 6574; May 16, 1917; Lehigh Valley Railroad Company:

Ordered: That under its application therefor dated May 15, 1917, the Lehigh Valley Railroad Company be and is hereby authorized to file, effective June 15, 1917, supplements to its tariff applying on Bituminous Coal and Coke, P. S. C., 2 N. Y., Nos. A-135, A-138, and A-150, filed to take effect June 15, 1917, for the purpose of postponing the effective date thereof until July 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having given similar permission to postpone the effective date of said tariffs until July 1, 1917, as to interstate traffic.

Completed by supplements Nos. 1 to P. S. C. Nos. A-135, A-138, and A-150; filed May 21, 1917.

No. 6575; May 16, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated May 15, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, on or before June 1, 1917, and upon not less than one day's notice to the public and the Commission, supplements to its freight tariffs G. O., P. S. C., 2 N. Y., No. 916, commodity rates from stations on its line to western points, and G. O., P. S. C., 2 N. Y., No. 923, Petroleum and Petroleum Products and Coal Tar Oil, from stations on its line to western points, filed to take effect June 1, 1917, for the purpose of postponing the effective dates of said tariffs until September 12, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by order in its I. & S. Docket No. 1051 suspended the effective dates of said tariffs as to interstate traffic until September 12, 1917.

Completed by supplements Nos. 2 to G. O. P. S. C. Nos. 916 and 923, filed May 18, 1917.

No. 6576; May 18, 1917; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated May 17, 1917, the Boston and Albany Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, effective not later than May 31, 1917, on not less than one day's notice to the public and the Commission, supplements to its tariffs P. S. C., 2 N. Y., Nos. 619 and 621, applying on Coal and Coke, such supplements to specifically cancel said tariffs. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having authorized as to interstate traffic similar action by its special permission No. 42288 of date May 15, 1917.

Completed by supplements Nos. 1 to P. S. C. Nos. 619 and 621, effective May 31, 1917.

No. 6577; May 21, 1917; The New York, Chicago and St. Louis Railroad Company:

Ordered: That under application therefor dated May 19, 1917, The New York, Chicago and St. Louis Railroad Company be and is hereby authorized

to file, on or before May 31, 1917, a tariff of distance rates on anthracite and bituminous coal, and coke, in carloads, such tariff to cancel tariffs P. S. C., 2 N. Y., Nos. 147 and 587, and to reissue, effective July 1, 1917, on not less than thirty days' notice to the public and the Commission, the rates contained in tariff P. S. C., 2 N. Y., No. 587, as applying to anthracite and bituminous coal; and to reissue, effective June 15, 1917, on not less than fifteen days' notice to the public and the Commission, the rates contained in tariff P. S. C., 2 N. Y., No. 587, as applying to coke. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having given similar permission as to interstate traffic.

Completed by P. S. C. No. 589, filed May 29, 1917.

No. 6578; May 21, 1917; R. N. Collyer, Agent:

Ordered: That under application therefor dated May 19, 1917, R. N. Collyer, agent for various carriers duly authorized to publish and file Official Classification, be and is hereby authorized to file, effective June 1, 1917, on not less than five days' notice to the public and the Commission, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 44, Official Classification, and provide therein for the cancellation from said tariff of item 30, page 133, which item is now under postponement until June 1, 1917, as per supplement No. 4 to said tariff; also to provide, effective same date, upon same notice, the following ratings:

L. C. L. C. L.

Vehicles, not self propelling:

Trucks, Dry Kiln, k. d. 3 5

This authority does not waive any of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having granted permission to make similar change as to interstate traffic.

Completed by supplement No. 8 to P. S. C. O. C. No. 44, effective June 1, 1917.

No. 6579; May 21, 1917; E. Morris, Agent:

Ordered: That under application therefor dated May 19, 1917, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west) and E. Morris, agent for The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west), be and they are hereby authorized to file supplements canceling, as to New York state traffic, effective on or before June 15, 1917, upon one day's notice to the public and the Commission, the schedules the effective date of which was postponed until November 15, 1917, under authority of this Commission's special permission No. 6554, dated May 8, 1917, involving rates and ratings on Starch and Dextrine. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; and in cases where such supplements contain no matter other than the cancellation of the postponed schedules, they may be filed without regard to the limitations as to the number of supplements permitted under paragraph (e) of Rule 9, Circular No. 55. This permission is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by special permission No. 42210, of date May 9, 1917, authorized similar action as to interstate traffic with reference to schedules under suspension in its I. & S. Docket No. 999.

Completed by proper supplements to tariffs, effective June 15, 1917.

No. 6580; May 22, 1917; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application therefor dated May 21, 1917, The New York, New Haven and Hartford Railroad Company be and is hereby authorized to file, on or before June 1, 1917, and upon not less than one day's notice to the public and the Commission, a supplement to its freight tariff P. S. C., 2 N. Y., No. F-296, applying on coal, coal dust, and coal screenings, for the purpose of changing the effective date of the commodity rates shown therein applying as to New York state traffic on bituminous coal, from June 15, 1917, to July 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. F-296, filed May 26, 1917.

No. 6581; May 22, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated May 21, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and upon not less than five days' notice to the public and the Commission, a tariff of iced refrigerator car pick-up service from Massena Springs, N. Y., establishing therein the rates, charges, and regulations as specified in said application which are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3244, effective June 7, 1917.

No. 6582; May 22, 1917; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That under its application therefor dated May 21, 1917, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, effective May 25, 1917, upon not less than one day's notice to the public and the Commission, a passenger fare schedule for the purpose of changing rules and regulations governing the sale and use of monthly and season 50- and 54-trip family tickets, as provided in its tariff P. S. C., 2 N. Y., No. 341, in sections 8 and 10, so as to provide substantially as follows: All monthly and season 50- and 54-trip family tickets sold to and including May 24, 1917, will be honored for passage in accordance with rules and regulations governing sale and use in effect at the time of sale. All such tickets sold on May 25, 1917, to and including June 24, 1917, will not be accepted for passage after June 24, 1917, but will be redeemed at pro rata per ride rate based on rate originally paid for such ticket. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 343, effective May 25, 1917.

No. 6583; May 23, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor dated May 22, 1917, The Delaware and Hudson Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein a rate of \$1.20 per ton of 2240 pounds to apply on Anthracite Coal Screenings, in carloads, minimum weight to be the marked capacity of car, except when cars are loaded to their full bulk capacity actual weight will be charged for, from Schenectady, N. Y., Saratoga Springs, N. Y., and Ballston Spa, N. Y., via Johnsonville, N. Y., and the Greenwich and Johnsonville railroad, to Thomson, N. Y. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of

tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3362, effective May 26, 1917.

No. 6584; May 23, 1917; Marcellus and Otisco Lake Railway Company:

Ordered: That under its application therefor dated May 23, 1917, the Marcellus and Otisco Lake Railway Company be and is hereby authorized to file, within thirty days from the date hereof and upon not less than three days' notice to the public and the Commission, a local and proportional freight tariff canceling its tariff P. S. C., 2 N. Y., No. 27, now in force and effect, reissuing the matter contained without change other than to establish under proportional rates the following: "On carload freight originating at points on the New York Central railroad or its connections, destined to points on the Auburn and Syracuse Electric railroad or its connections, or vice versa, in cases where no joint rates are in effect, the rate between Marcellus, N. Y., and Martisco, N. Y., will be twenty-five cents per ton of two thousand pounds, minimum carload weight sixty thousand pounds." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 29, effective June 7, 1917.

No. 6585; May 23, 1917; The New York, Chicago and St. Louis Railroad Company:

Ordered: That under its application therefor dated May 22, 1917, and for the purpose of correcting the record, The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to file, effective on or before June 1, 1917, and on one day's notice to the public and the Commission, supplements to its tariffs P. S. C., 2 N. Y., Nos. 588, 473, and 503, such supplements to cancel tariff P. S. C., 2 N. Y., No. 588; supplement No. 9 to tariff P. S. C., 2 N. Y., No. 473; and supplement No. 6 to tariff P. S. C., 2 N. Y., No. 503. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55.

Completed by supplement No. 11 to P. S. C. No. 473, supplement No. 8 to P. S. C. No. 503, and supplement No. 2 to P. S. C. No. 588; effective June 1, 1917.

No. 6586; May 23, 1917; The New York, Chicago and St. Louis Railroad Company:

Ordered: That under its application therefor dated May 22, 1917, and for the purpose of correcting the record, The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to file, effective one day after publication at stations and filing with the Commission, supplements to its tariffs P. S. C., 2 N. Y., Nos. 561, 563, and 576, restoring into effect the rates on Dextrine and Starch which were in effect prior to January 15, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55.

Completed by supplement No. 17 to P. S. C. No. 561, supplement No. 6 to P. S. C. No. 563, and supplement No. 7 to P. S. C. No. 576; effective June 1, 1917.

No. 6587; May 19, 1917; Auburn and Syracuse Electric Railroad Company:

Ordered: That under its application therefor dated May 18, 1917, the Auburn and Syracuse Electric Railroad Company be and is hereby authorized to file, effective May 28, 1917, on not less than three days' notice to the public and the Commission, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 5, filed to take effect May 28, 1917, for the purpose of correcting the P. S. C., 2 N. Y., number of the tariff to read 34; correcting ticket fares

shown on page 12 applying between Syracuse and Chrysler, Taunton, and Onondaga to read 9 cents; providing for the sale of books containing seven round-trip tickets good only on Split Rock cars and for passage between Split Rock and Syracuse, at rate of \$1.40; and changing pages 7, 8, 9, 12, and 13 to read "Between-And" instead "From-To". This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 34, effective May 28, 1917.
No. 6588; May 23, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West):

Ordered: That under its application therefor dated May 22, 1917, and for the purpose of correcting the records, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) be and is hereby authorized to file, effective one day after publication at stations and filing with the Commission, a supplement to its tariff P. S. C., 2 N. Y., L. S. No. 204, such supplement to cancel said tariff and supplement thereto. This authority does not waive any of the requirements of the Commission's rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55.

Completed by supplement No. 2 to P. S. C. L. S. No. 204, filed May 29, 1917.
No. 6589; May 19, 1917; Hudson Navigation Company:

Ordered: That under its application therefor dated May 18, 1917, the Hudson Navigation Company be and is hereby authorized to file a joint tariff of temporary excursion fares, in connection with The Delaware and Hudson Company and the Lake George Steamboat Company, effective June 5, 1917, except as noted in individual items, on not less than three days' notice to the public and the Commission, such tariff to establish excursion fares to apply between New York, N. Y., and Cliff Haven, N. Y., and Silver Bay, N. Y., and return; also rules and regulations governing sale and use of tickets sold thereunder, as set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 32, effective June 5, 1917.

No. 6590; May 24, 1917; The Pennsylvania Railroad Company:

This special permission not used.

No. 6591; May 24, 1917; R. N. Collyer, Agent:

Ordered: That under application therefor dated May 23, 1917, R. N. Collyer, agent for various carriers, duly authorized to publish and file Official Classification, be and is hereby authorized to file a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 44, for the purpose of further postponing, until December 1, 1917, the effective date of the following items published in said tariff, such items now being under postponement until June 1, 1917, as shown in supplement No. 4 to said tariff, viz.: page 79, items 14 to 19 inclusive, Bearings; page 324, items 25 to 31 inclusive, and page 325, items 1 to 8 inclusive, Blocks, Slabs, or Pieces of Natural Stone; page 377, item 1, Woolen Clippings, Tailors' (clippings from woolen cloth). This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e) of Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order in its I. & S. Docket

No. 1012, further suspended, until December 1, 1917, the use and operation of said items as to interstate traffic.

Completed by supplement No. 9 to P. S. C. O. C. No. 44, filed May 29, 1917. No. 6592; May 24, 1917; Boston and Maine Railroad (J. H. Hustis, Temporary Receiver):

Ordered: That under application therefor dated May 24, 1917, the Boston and Maine Railroad (J. H. Hustis, Temporary Receiver) be and is hereby authorized to file supplements to its tariffs P. S. C., 2 N. Y., Nos. 688, 690, 691, 692, and 745, such supplements to postpone from May 25, 1917, until September 22, 1917, the taking of effect of items providing for increase in rates on Cotton Piece Goods and Woolen Piece Goods to New York, N. Y., from Hoosick Falls, N. Y., Schaghticoke, N. Y., and Schuylerville, N. Y., as shown in tariff P. S. C., 2 N. Y., No. 745; supplements Nos. 6 to tariffs P. S. C., 2 N. Y., Nos. 688 and 691; and supplements Nos. 7 to tariffs P. S. C., 2 N. Y., Nos. 690 and 692. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by order in its I. & S. Docket No. 1091 suspended until September 22, 1917, similar items applying to interstate traffic.

Completed by the filing of proper supplements to above listed tariffs. No. 6593; May 22, 1917; The Ulster and Delaware Railroad Company:

Ordered: That under its application therefor dated May 21, 1917, The Ulster and Delaware Railroad Company be and is hereby authorized to file, effective June 1, 1917, and on not less than five days' notice to the public and the Commission, a tariff of car demurrage rules, such tariff to cancel its tariff P. S. C., 2 N. Y., No. 63, and establish as effective until May 1, 1918, revised Rules 7 and 9 as set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. Completed by P. S. C. No. 153, effective June 1, 1917.

No. 6594; May 25, 1917; Lehigh Valley Railroad Company:

Ordered: That under application therefor dated May 25, 1917, the Lehigh Valley Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a supplement to its tariff of Car Demurrage Rules on cars of Boulets, Briquettes, Anthracite and Bituminous Coal, or Coke (except petroleum coke), for unloading into boats for storage or reconsignment, P. S. C., 2 N. Y., No. G-28, now under postponement until August 8, 1917, canceling postponement supplement No. 1, and establishing said tariff as effective May 27, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as herein specifically stated and as to the number of supplements permitted to said tariff under paragraph (e) of Rule 9, Circular No. 55; it is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by order in its I. & S. Docket No. 1060 vacated and set aside its suspension of said tariff as to interstate traffic.

Completed by supplement No. 2 to P. S. C. No. G-28, effective May 27, 1917. No. 6595; May 25, 1917; Boston and Maine Railroad (J. H. Hustis, Temporary Receiver):

Ordered: That under application therefor dated May 25, 1917, the Boston and Maine Railroad (J. H. Hustis, Temporary Receiver) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a supplement to its tariff P. S. C., 2 N. Y., No. 746, applying

on coal and coke, in carloads, for the purpose of advancing the effective date of the rates provided therein applicable to Bituminous Coal from June 15, 1917, as now provided, to July 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e) of Rule 9, Circular No. 55, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplement No. 1, to P. S. C. No. 746, filed May 29, 1917.

No. 6596; May 25, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated May 23, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein the following rates to apply on Fluid Milk, in forty-quart cans, from Stittville, N. Y., to Newport, N. Y.: Less carloads, minimum 100 cans, 24.2 cents per can; carloads, minimum 250 cans, 21.1 cents per can, said rates to include free return of empty cans but not to include icing. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3241, effective May 30, 1917.

No. 6597; May 25, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under applications therefor dated May 24, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and they are hereby authorized to file, upon not less than one day's notice to the public and the Commission, supplements Nos. 2 to their tariffs of car demurrage rules and regulations, N. Y. C. R. R., P. S. C., 2 N. Y., No. X-27, and West Shore R. R., P. S. C., 2 N. Y., No. X. W. S.-24, as canceling supplements Nos. 1 to said tariffs, which supplements Nos. 1 postponed the effective date of said tariffs until August 13, 1917; said supplements Nos. 2 to establish said tariffs as in force on the effective date thereof. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by order in its I. & S. Docket No. 1068 vacated its suspension of said tariffs as to interstate traffic.

Completed by supplements Nos. 2 to P. S. C. No. X-27, and P. S. C. No. X. W. S.-24; effective June 1, 1917.

No. 6598; May 26, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated May 26, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and they are hereby authorized to file, under date of June 1, 1917, on not less than five days' notice to the public and the Commission, (a) A tariff of rules and charges covering iced refrigeration service, such tariff to cancel N. Y. C. R. R. tariff P. S. C., 2 N. Y., N. Y. C. No. 2414,

and West Shore R. R. tariff P. S. C., 2 N. Y., W. S. 638, and establish the rules and charges as set forth in exhibits attached to said applications, which exhibits are hereby made a part of this order. (b) A tariff covering Iced Refrigerator Car Service from Buffalo, N. Y., to Albany, N. Y., Rochester, N. Y., St. John's Park, New York, N. Y., Syracuse, N. Y., and Utica, N. Y., and provide that shipments of butter, cheese, eggs, dressed poultry, and game, in less than carloads, forwarded from Buffalo (Carroll St.), N. Y., to such points will be transported in box cars to East Buffalo, N. Y., and loaded at that point into iced refrigerator cars containing perishable freight originating at points west of Buffalo and Suspension Bridge, N. Y., and that no extra charge above the current freight rate will be made for such iced refrigerator car service. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission in its order in case No. 7969 having required carriers respondent therein, which included applying carriers herein, to establish, effective June 1, 1917, on five days' notice, the revised rules and charges governing iced refrigeration service which were in force prior to March 20, 1915, the effect of which, so far as applicant carriers are concerned, is to establish the same arrangements as were currently in force during the year 1914.

Completed by P. S. C. N. Y. C. Nos. 3240 and 3242, and P. S. C. W. S. No. 972; effective June 1, 1917.

No. 6599; May 26, 1917; Adirondack Lakes' Traction Company:

Ordered: That under application therefor dated May 23, 1917, the Adirondack Lakes' Traction Company be and is hereby authorized to file, effective not earlier than June 1, 1917, and on not less than one day's notice to the public and the Commission, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 1, and established therein rules and regulations governing the sale and use of season excursion and family tickets as specified in exhibit attached to said application and which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 14 to P. S. C. No. 1, effective June 1, 1917.

No. 6600; May 25, 1917; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under application therefor dated May 25, 1917, the Boston and Albany Railroad Company (The New York Central Railroad Company, lessee) be and is hereby authorized to file a supplement to its tariff P. S. C., 2 N. Y., No. 604, for the purpose of postponing the effective date of supplement No. 1 to said tariff, filed to take effect May 25, 1917, until September 22, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as herein specifically stated, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by order dated May 22, 1917, in its I. & S. Docket No. 1091, suspended the effective date of said tariff supplement until September 22, 1917, as to interstate traffic.

Completed by supplement No. 3 to P. S. C. No. 604, filed May 26, 1917.

No. 6601; May 26, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated May 25, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the

date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein a rate of 15.8 cents per can on Fluid Milk, in forty-quart cans, in lots of thirty cans or more; from Pawling, N. Y., to Colemans, N. Y., to be pasteurized and re-shipped, said rate not to include icing but will include free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3248, effective May 31, 1917.

No. 6602; May 28, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under application therefor dated May 26, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, not later than June 5, 1917, on not less than five days' notice to the public and the Commission, a tariff covering iced refrigerator car service for the transportation of butter, cheese, and eggs; and other perishable freight, as canceling its tariff P. S. C., 2 N. Y., N. Y. C. No. 3225, filed to take effect June 5, 1917, reissuing the matter contained except to eliminate the charge of five cents per hundred pounds for icing. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3243, effective June 5, 1917.

No. 6603; May 28, 1917; R. N. Collyer, Agent:

Ordered: That under application therefor dated May 26, 1917, R. N. Collyer, agent for carriers duly authorized to publish and file Official Classification, be and is hereby authorized to file a supplement to Official Classification, his P. S. C., 2 N. Y., O. C. No. 44, such supplement to provide for the further postponement until December 1, 1917, of items in said classification now under postponement under authority of special permission No. 6393, until June 1, 1917, as published in supplement No. 1 to said classification. This authority does not waive any of the requirements of the Commission's published rules relative to construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e) of Rule 9, Circular No. 55, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission, by order in its I. & S. Docket No. 956, having further suspended such items as to interstate traffic until December 1, 1917.

Completed by supplement No. 10 to P. S. C. O. C. No. 44, filed May 29, 1917.

No. 6604; May 28, 1917; Eugene Morris, Agent:

Ordered: That under application therefor dated May 26, 1917, Eugene Morris, duly authorized to act as agent by various carriers, as shown in his tariff P. S. C., 2 N. Y., No. 28, be and is hereby authorized to file a supplement to his tariff P. S. C., 2 N. Y., No. 28, effective not later than July 1, 1917, and on not less than thirty days' notice to the public and the Commission, and to provide therein that the provisions of supplement No. 4, applicable to interstate traffic, will apply on New York state traffic, such supplement to be issued as supplement No. 4-A to said tariff. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as herein specifically stated and as to the number of supplements permitted to said tariff under paragraph (e) of Rule 9, Circular No. 55.

Completed by supplement No. 4-A to P. S. C. No. 28, filed May 31, 1917.

No. 6605; May 28, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under application therefor dated May 26, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein the following rates in cents per two thousand pounds to apply on Logs, carloads, minimum weight as per its tariff P. S. C., 2 N. Y., No. 492, or superseding issues thereof, to Farmersville, N. Y.: From Ellicottville, N. Y., 42; Great Valley, N. Y., 53; Salamanca, N. Y., 53. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1342, effective June 1, 1917.

No. 6606; May 29, 1917; The Pennsylvania Railroad Company:

Ordered: That under application therefor dated May 28, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein a rate of \$1.05 per ton of 2000 pounds to apply on Crushed Slag, carloads, minimum weight as per official classification in effect at time of shipment, from Buffalo, N. Y., over the Pennsylvania railroad and the Pittsburg, Shawmut and Northern railroad, to Ceres, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by G. O. P. S. C. No. 924, effective May 31, 1917.

No. 6607; May 31, 1917; The Long Island Railroad Company:

Ordered: That under application therefor dated May 29, 1917, The Long Island Railroad Company be and is hereby authorized to file a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 431, such supplement to further postpone until December 1, 1917, the effective date of that portion of Rule 2(c) shown in supplement No. 2 to said tariff now under postponement until June 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e) of Rule 9, Circular No. 55, and it is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission, by its supplemental order No. 5, I. & S. Docket No. 1010, having further suspended the same rule as to interstate traffic until December 1, 1917.

Completed by supplement No. 5 to P. S. C. No. 431, filed May 31, 1917.

No. 6608; May 31, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under application therefor dated May 31, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, effective June 1, 1917, a tariff schedule, establishing therein the following rates to apply on Fluid Milk, in forty-quart cans, from Brownville, N. Y., Chaumont, N. Y., and Rosiere, N. Y., to Adams, N. Y.: Less carloads, minimum 75 cans, 24.2 cents per can; carloads, minimum 250 cans, 21.1 cents per can; said rates not to include icing, but will include free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3249, effective June 1, 1917.

No. 6609; May 31, 1917; Western New York and Pennsylvania Traction Company:

Ordered: That under its application therefor dated May 29, 1917, the Western New York and Pennsylvania Traction Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than three days' notice to the public and the Commission, a tariff schedule, establishing therein a rate of twenty-one cents per two thousand pounds to apply on Slag, carloads, minimum weight to be specified, from Olean, N. Y., to Bolivar and Ceres, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 188, effective June 8, 1917.

No. T.&T. 125; May 7, 1917; Waterville Telephone Company:

Ordered: That under its application therefor dated May 5, 1917, the Waterville Telephone Company be and is hereby authorized to file, effective June 1, 1917, on not less than five days' notice to the public and the Commission, a local general tariff to apply to all service in the districts heretofore served by the Deansboro and Waterville central offices, to be served by the Waterville central office, and reissue the rates now in effect applying for service furnished from the Waterville central office district and establish, to apply to subscribers in the Deansboro district, the rates as set forth in said application, which rates and charges are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 4, effective June 1, 1917.

No. T.&T. 126; Chestertown Telephone Company:

Ordered: That under application therefor the Chestertown Telephone Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, local general tariff P. S. C., N. Y., No. 2, canceling P. S. C., N. Y., No. 1, and P. S. C., N. Y., No. 3, local general tariff of rules and regulations governing the application of said P. S. C., N. Y., No. 2, and establish therein the rates, rules, and regulations as set forth in exhibits attached to said application which are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. Nos. 2 and 3, effective June 1, 1917.

402 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4535]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which a new highway known as the Eastern Boulevard shall be constructed across the Carthage branch, St. Lawrence division, of the New York Central and Hudson River railroad in the city of Watertown.

Ordered: 1. That the final accounting entered into by The New York Central Railroad Company with the State Commission of Highways, showing expenditures not included in previous accountings of \$1117.62 properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved, such entire sum of \$1117.62 having been expended by the railroad corporation; said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$1117.62 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$558.81, and the share of the State of New York is the sum of \$558.81.

3. There is now due and payable by the State of New York to The New York Central Railroad Company for account of this proceeding the sum of \$558.81, said amount to be drawn from funds appropriated for the improvement of highways.

[Case No. 4611]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which state highway No. 5459 (route 5, section 7) shall cross the tracks of the Ulster and Delaware railroad in the town of Roxbury, Delaware county.

Ordered: 1. That an accounting entered into by The Ulster and Delaware Railroad Company with the State Commission of Highways, showing expenditures to the amount of \$34,736.23, including interest, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved, of which said amount the sum of \$33,254.49 has been expended by the railroad corporation and the sum of \$1481.74 has been expended by the State of New York; said accounting having been accepted by

the railroad corporation as indicated by the signature of its president, and accepted by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$34,736.23 thus expended and herein accounted for, the share of and the amount chargeable to The Ulster and Delaware Railroad Company is the sum of \$16,527.94; and the share of and the amount chargeable to the Town of Roxbury is \$1680.35; and the share of the State of New York is the sum of \$16,527.94, upon which it is entitled to a credit of \$1481.74 expended by it as aforesaid, leaving as the balance now due and payable by said State of New York to said The Ulster and Delaware Railroad Company, from funds appropriated for the improvement of highways, the sum of \$15,046.20.

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway, and the construction of an undergrade crossing.

Upon the recommendation of the Buffalo, Rochester and Pittsburgh Railway Company as indicated by the signature of its general manager on the stress sheet plan of the bridge to be erected for the Buffalo, Rochester and Pittsburgh railway over Brown street, in the city of Rochester, pursuant to a determination of the Commission in the matter above entitled; and upon approval of the local authorities as indicated by a letter dated May 26, 1917, from the consulting engineer to the City of Rochester; it is

Ordered: That said stress sheet plan drawing No. B-6422, dated March 29, 1917, be and it is hereby approved.

[Case No. 5196]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of JAMES O. MOORE against PAVILION NATURAL GAS COMPANY, asking that a main be extended to his farm.

Order for hearing on application for modification of order.

By order dated June 26, 1916, this Commission directed the Pavilion Natural Gas Company to extend its gas main from a point in the incorporated village of Moscow to the premises of James O. Moore, in the town of

Leicester, Livingston county, a distance of about one thousand feet, and furnish natural gas to said Moore and any other customers along the line who may apply. The order was not obeyed, as it was on appeal in the courts which recently sustained it. The company now applies to the Commission asking that the order be modified, on the ground that shortage of natural gas occurring since the order is such that to furnish Mr. Moore with gas as ordered would be unreasonable, if not dangerous, to the present consumers in this vicinity. The Commission believes that it should hear the company on this point, and therefore it is

Ordered: That a hearing on said petition for modification of order shall be held by this Commission at the courthouse in the city of Rochester on Saturday, June 16, 1917, at 10 o'clock a. m.

[Case No. 5928]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the INTERNATIONAL RAILWAY COMPANY under section 53 of the Public Service Commissions Law for permission to construct in the city of Buffalo a double-track extension of its street surface railway in Franklin street from Chippewa street to Allen street; and for approval of the exercise of a franchise therefor received from the city.

International Railway Company, with its principal office in the city of Buffalo, New York, having duly filed its petition pursuant to the Public Service Commissions Law, requesting the Commission to give its approval to the consent granted by the local authorities of the City of Buffalo to said company, on or about the 4th day of October, 1916, for the construction, maintenance, and operation of a double-track street surface railroad in and along Franklin street, in said city, from Chippewa street to Allen street, being an extension of the railroad of said company in Franklin street; together with the right to construct, maintain, and operate the track connections, switches, turnouts, and wyes through, upon, and along the avenues, streets, and public places above described, to be operated by the single overhead trolley system or motive power other than steam. And it appearing that the petitioner is a duly incorporated street railroad corporation, and that the consent of the local authorities of the City of Buffalo has been granted, and that such consent was duly filed in the clerk's office of the County of Erie on January 12, 1917; and that after said consent was obtained, the same was duly approved by a majority of the electors of the city of Buffalo voting at a general election in said city pursuant to the provisions of the charter of said city; and that the petitioner duly accepted in writing the consent of the local authorities of the City of Buffalo granted as aforesaid, and duly consented that the terms and provisions of a certain contract bearing date the 1st day of January, 1892, between the City of Buffalo and certain predecessors in interest of the petitioner, may be extended to said extension; and that the consents in writing, duly acknowledged or proved as are deeds entitled to be recorded, of the owners of one-half in value of the property bounded on that portion of the street upon which it is proposed to build and operate such extension, have been obtained by petitioner; and due proof of due publication of a notice of a hearing upon such application having been made and filed;

and the petitioner having duly appeared by its counsel, Thomas Penney, esq.; and certain property owners and residents upon said street having duly appeared by their counsel, Frank F. Williams, esq.; and the proofs of the petitioner and the objectors having been heard by Commissioner Barhite; and this Commission having examined the record and proof offered by the petitioner and the objectors, and having duly determined that the consent granted by the authorities of the City of Buffalo as aforesaid should be approved, and that the exercise of the privileges or franchise granted by said authorities and the construction of said extension by the petitioner are necessary and convenient for the public service;

Ordered: That the consent granted by the local authorities of the City of Buffalo on or about the 4th day of October, 1916, to the International Railway Company, for the construction of an extension of its street surface railway in and along Franklin street, from Chippewa street to Allen street, be and the same hereby is approved.

Further Ordered: That permission and approval of this Commission are hereby granted to the International Railway Company for the construction, maintenance, and operation of a double-track street surface railroad in and along Franklin street from Chippewa street to Allen street, being an extension of the railroad of said company in said Franklin street; together with the right to construct, maintain, and operate track connections, switches, turnouts, and wyes through, upon, and along the avenues, streets, and public places above described, to be operated by the single overhead trolley system or motive power other than steam.

[Case No. 5961]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the INTERNATIONAL RAILWAY COMPANY under sections 10 and 98 of the Railroad Law, and section 53 of the Public Service Commissions Law, as to construction of an extension of its railroad in the River road highway in the town of Tonawanda, Erie county; as to exercise of franchise; and as to the extension crossing the New York Central railroad in an existing under-crossing.

International Railway Company, a street surface railroad corporation, having presented its petition to this Commission for the approval by it of a franchise granted the said company by the local authorities of the Town of Tonawanda, county of Erie, New York, for an extension of its railroad in the River road highway, so called, in said town, and for a certificate of convenience and necessity; and said application having come on to be heard before Commissioner Barhite at Buffalo on the 18th day of May, 1917; the petitioner appearing by Messrs. Cohn, Chormann and Franchot, its counsel; The New York Central Railroad Company appearing by J. L. Kenefick, esq., its counsel; the State Commission of Highways appearing by A. W. Andrews, esq.; and appearances being made by other interested parties who desire the extension set forth in the petition; and due proof of due publication of a notice of said hearing having been made and filed: and the petitioner having made its proof, by which it appears that a certificate of extension of route has been duly filed in the office of the Secretary of State at Albany, New York, and in

the office of the Clerk of Erie County, at Buffalo, New York; and satisfactory proof having been made that the route of the proposed extension has been advertised in two newspapers in the county in which said extension is to be constructed at least once each week for three successive weeks; and that the proper local authorities of the Town of Tonawanda have given their consent to said extension; and that the State Commission of Highways has issued its permit authorizing the petitioner to construct, operate, and maintain the said extension of route under the terms and conditions set forth in said permit; and that the Superintendent of Public Works of the State of New York, in pursuance of authority delegated to him by the Canal Board of said State, has granted a permit to said petitioner to construct and maintain the said proposed extension of its lines over state lands in said town of Tonawanda; and the said petitioner having duly accepted the several permits granted to it by the local authorities of the Town of Tonawanda, the State Commission of Highways, and the Superintendent of Public Works, and agreed to observe the conditions and restrictions therein contained; and it having been determined by this Commission that public convenience and necessity require the construction, operation, and maintenance of the extension of the railroad of the petitioner hereinafter set forth, it is

Ordered: That the permit granted to International Railway Company by the local authorities of the Town of Tonawanda, Erie county, New York, for the construction, operation, and maintenance of an extension of said company's railroad upon and along the River road, so called, in the town of Tonawanda, as shown upon a map and profile thereof filed in the office of the clerk of the County of Erie, and with the town board of said town, and entitled "International Ry. Co. Plan, Profile and Cross Section of Extension River Road Line From Grand Island Ferry to Wickwire Steel Co., Town of Tonawanda, New York. Scale: 1"=100'. Dec. 26, 1916," be and the same is hereby approved.

Further Ordered: That permission be and the same is hereby granted to International Railway Company to construct, operate, and maintain an extension or branch of its railroad, consisting of one or more tracks, to be operated by the single overhead trolley system, upon, along, and across the River road, so called, in the town of Tonawanda, Erie county, New York, from a point about 80 feet north of the intersection of the River road with a road leading to the Grand Island Ferry, northerly through, upon, and along the said River road to a point about 160 feet south of the north line of lot No. 97 of the Niagara River Reservation; and across any and all streets, avenues, waters, highways, lanes, and alleys hereinafter named in the said town of Tonawanda, where the same are intersected by the route of said extension, as shown upon a map and profile thereof filed in the office of the clerk of the County of Erie, and with the town board of said town, said map being entitled "International Ry. Co. Plan, Profile and Cross Section of Extension River Road Line From Grand Island Ferry to Wickwire Steel Co., Town of Tonawanda, New York. Sale: 1"=100'. Dec. 26, 1916"; and to construct and maintain such connections, switches, sidings, turnouts, turntables, crossovers, and suitable stands for the convenient working of said railroad and for the accommodation of the cars of said company which may be run over said railroad by said company, its successors and assigns; and to erect and maintain upon said streets and public places all necessary poles and wires, and from time to time do all other things necessary for the construction, operation, and maintenance of said extension for the purposes of said company, upon the terms, conditions, and restrictions set forth in the several permits issued by the local authorities of the Town of Tonawanda, the State Commission of Highways, and the Superintendent of Public Works of the State of New York.

Further Ordered: That at the point where the proposed extension of the railroad of the International Railway Company shall cross the railroad owned by The New York Central Railroad Company, the railroad of said International Railway Company shall be upon the street below and underneath the grade of the railroad of The New York Central Railroad Company, and that the expense of such crossing, if any, shall be paid by said International Railway Company.

[Case No. 8008]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the **GENESEE LIGHT AND POWER COMPANY** under section 68 of the Public Service Commissions Law for permission to construct in the incorporated village of Akron, Erie county, poles, wires, and appurtenances for transmitting and furnishing electric current to the village municipal electric station; and for approval of the exercise of rights and privileges under a franchise therefor received from the village.

Genesee Light and Power Company having, pursuant to section 68 of the Public Service Commissions Law, asked for permission to construct in the incorporated village of Akron, Erie county, New York, poles, wires, and appurtenances for transmitting and furnishing electric current to the village municipal electric station, and for approval of the exercise of rights and privileges under franchise therefor received from the village; and said application having been heard by Commissioner Barhite on the 25th day of May, 1917, the petitioner appearing by Messrs. Strebel, Corey, Tubbs and Beals, its attorney; no one appearing to oppose; and due proof of due publication of the pendency of the application and of the hearing having been made and filed; and it appearing that the president and board of trustees of the Village of Akron, in the county of Erie, New York, has duly granted to the Genesee Light and Power Company permission to construct, maintain, and operate the necessary poles, wires, cables, appliances, and structures in, through, upon, and across such highways as the company may find necessary or desirable in delivering electric power to the Village of Akron at its municipal power station, for the purpose of transmitting electric power to said municipal plant and system for delivery and sale to the Village of Akron itself; and it being expressly understood that the village itself will furnish all customers within the village of Akron with light and power from its municipal power plant and system; and said Genesee Light and Power Company having duly accepted said franchise by instrument in writing filed with the village clerk of said village on the 28th day of April, 1917; and this Commission having determined from the records and proof that public convenience and necessity require the construction, operation, and maintenance of the plant described in said franchise, it is

Ordered: That the franchise heretofore granted by the president and board of trustees of the Village of Akron to the Genesee Light and Power Company on the 23rd day of April, 1917, be and the same is hereby approved.

Further Ordered: That permission and consent be and they are hereby granted to the Genesee Light and Power Company, its successors, lessees, or assigns, to construct, maintain, and operate the necessary poles, wires, cables, appliances, and structures in, through, upon, and across such highways as the company may find necessary or desirable in delivering electric power to the Village of Akron at its municipal power station; said permission and consent being granted, not for the purpose of furnishing light or power in the village of Akron, but for the sole purpose of transmitting electric power to said municipal power station for delivery and sale to the Village of Akron itself, for its municipal plant and system, such permission and consent being granted upon and subject to each and all of the terms and conditions set forth in the franchise granted by the president and board of trustees of said Village of Akron to said Genesee Light and Power Company.

Further Ordered: That said Genesee Light and Power Company shall not enter upon or construct any works in or upon any state or county highway which has been or may be improved under the provisions of the Highway Law, except upon the approval of and under such conditions and regulations as may be prescribed by the Highway Commission of the State of New York.

[Case No. 6016]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of GEORGE J. CHRISTGAU, JACOB RENSCHLER, WALTER D. HENRY, and CHARLES BRAYMILLER under section 68 of the Public Service Commissions Law for permission to construct in the town of Eden, Erie county, wires for transmitting and furnishing electricity for light, heat, or power; and for approval of the exercise of rights and privileges to use highways therefor received from said town.

The local authorities of the town of Eden, Erie county, New York, having heretofore and on the 11th day of November, 1916, granted permission to George J. Christgau, Jacob Renschler, Walter D. Henry, and Charles Braymiller to erect and maintain an electric line upon poles along the westerly side of the public highway known as the Gowanda state road, from the Heacock road on the boundary line between the townships of Eden and Hamburg, and across said Heacock road to the residence of one Walter D. Henry on the westerly side of said state road, for the purpose of enabling residents upon said state road to receive electricity from said line for light, heat, and power purposes: said electricity to be supplied by the Inter-Village Electric Corporation, its successors or other person or persons who might hereafter supply said electricity; and permission to cross said state highway with said lines or wires therefrom to supply residents on the easterly side of said road with electricity, to and including the residence of one William Henry, with the understanding that said electric line is to be strung upon poles which are already erected by the Postal Telegraph-Cable Company; and with the further understanding that the said electric line and appurtenances thereto are to be supplied and owned by the said petitioners and such other persons who might become by the consent of the said applicants, users of said electricity; and said Charles J. Christgau, Jacob Renschler, Walter D. Henry, and Charles Braymiller having applied to this Commission, pursuant to section 68 of the Public Service Commissions Law, for approval of said franchise granted to them by said local authorities of said Town of Eden, and for permission to construct, maintain, and use said electric line described in said franchise; and due proof of due publication of the notice of pendency of said application having been duly filed; and the Niagara and Erie Power Company, which has a franchise to furnish electricity in said town, having appeared by its attorney and not objecting to said application; and this Commission, from the record, having determined that public convenience and necessity require the construction, maintenance, and use of said electric line by the petitioners and by such other persons and parties as may become, by the consent of said petitioners, users of said electricity, it is

Ordered: That approval of the franchise heretofore granted to George J. Christgau, Jacob Renschler, Walter D. Henry, and Charles Braymiller by the

local authorities of the Town of Eden, Erie county, New York, on the 11th day of November, 1916, be and the same is hereby given.

Further Ordered: That said George J. Christgau, Jacob Renschler, Walter D. Henry, and Charles Braymiller be and they are hereby permitted and authorized to erect and maintain an electric line upon poles on the westerly side of the public highway known as the Gowanda state road, from the Heacock road on the boundary line between the townships of Eden and Hamburg, and across said Heacock road to the residence of Walter D. Henry on the westerly side of said state road, for the purpose of enabling residents on said state road to receive electricity from said line for light, heat, and power; said electricity to be supplied by the Inter-Village Electric Corporation, its successors or other persons or parties who may hereafter supply such electricity; and permitted to supply residents on the easterly side of said road with such electricity to and including the residence of one William Henry. This permission is granted upon the understanding that said electric line is to be strung upon poles which are already erected and are the property of the Postal Telegraph-Cable Company, and upon the further understanding that said line and all fixtures and appurtenances thereto, excepting said poles, are to be supplied and owned by the said petitioners and such other persons and parties as may become, by the consent of the above named petitioners, users of said electricity, but that neither said petitioners nor any other person or persons who may use such electricity shall sell or otherwise dispose of the same to any other person or persons; this permission being granted for the sole purpose of enabling the petitioners or such other persons as may become associated with them, with their consent, to use said electricity for the benefit of themselves and their families.

Further Ordered: That said electric line shall not be constructed until the Postal Telegraph-Cable Company has given its consent for the use of its poles; and the said petitioners, George J. Christgau, Jacob Renschler, Walter D. Henry, and Charles Braymiller, shall not, nor either of them, enter upon or construct said lines or any works in or upon any state or county highway which has been or may be improved under the provisions of the Highway Law, except upon the approval of and under such conditions and regulations as may be prescribed by the Highway Commission of the State of New York.

[Case No. 6046]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JOHN A. BARRITE,
Commissioners.

In the matter of the alleged failure of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY, THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY, and the ERIE RAILROAD COMPANY to furnish upon reasonable notice therefor cars for the shipment of crushed stone.

The General Crushed Stone Company of Easton, Penna., operating a stone plant located on the tracks of the Buffalo, Rochester and Pittsburgh Railway Company near LeRoy, N. Y., having complained that it is unable to get cars in which to ship crushed stone to points on the lines of The Delaware, Lackawanna and Western Railroad Company and Erie Railroad Company; and the Dale Engineering Company, with office in Rochester, N. Y., engaged in constructing a highway in the vicinity of Avoca, N. Y., under contract with the State of New York, having complained that its work is held up because it

can not get material contracted for and to be furnished by the General Crushed Stone Company and shipped from its plant at LeRoy, N. Y.; such complainants' allegations being that orders for cars have been placed with the Buffalo, Rochester and Pittsburgh Railway Company, The Delaware, Lackawanna and Western Railroad Company, and the Erie Railroad Company, and that the cars so ordered have not been furnished, the principal reasons given therefor being on the part of the Buffalo, Rochester and Pittsburgh Railway Company that such equipment should be furnished by The Delaware, Lackawanna and Western Railroad Company or the Erie Railroad Company, respectively, according as the traffic is to move; and on the part of The Delaware, Lackawanna and Western Railroad Company and the Erie Railroad Company that as the traffic originates on the tracks of the Buffalo, Rochester and Pittsburgh Railway Company it is the duty of that company to furnish the cars; and it appearing to the Commission that in the circumstances the requirements of section 37 of the Public Service Commissions Law are being disregarded and that the rights and interests of the public are affected thereby, it is

Ordered: 1. That this Commission, upon its own motion and upon complaint filed with it by the General Crushed Stone Company and the Dale Engineering Company, shall, without formal pleading, enter upon a proceeding of inquiry and investigation of the matters and things involved therein.

2. That a copy of this order be forthwith served upon the Buffalo, Rochester and Pittsburgh Railway Company, The Delaware, Lackawanna and Western Railroad Company, and Erie Railroad Company, and that the said railroad companies be and each is hereby made a respondent to this proceeding, and that each of said respondents be and is hereby notified to appear before this Commission at its office, No. 58 North Pearl street, Albany, N. Y., at 2:30 p. m. on the 13th day of June, 1917, and show cause why they individually or collectively, according as shipments are to be transported, should not upon reasonable notice furnish these complainant shippers sufficient and suitable cars for the transportation of crushed stone in carload lots if and when offered for shipment.

3. That copies of this order be also sent to the General Crushed Stone Company at Easton, Penna., and the Dale Engineering Company at Rochester, N. Y., complainants herein, and to the Commissioner of the Department of Highways of the State of New York.

[Case No. 5696]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ELMIRA WATER, LIGHT AND RAILROAD COMPANY for authority to issue \$222,000 of 5 per cent 50-year gold bonds under its first consolidated mortgage; and for the establishment of a schedule of rates for gas, manufactured and mixed.

Petition filed September 6, 1916; reports of division of capitalization dated September 9 and 15, and October 31, 1916; report of division of light, heat, and power dated September 14, 1916; hearings held October 31, 1916, and April 19 and May 17, 1917; amended and supplemental petition filed May 15,

1917; report of division of light, heat, and power dated May 25, 1917; order entered May 29, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Elmira Water, Light and Railroad Company is hereby authorized to issue \$310,000 face value of its 5 per cent 50-year first consolidated mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of September, 1906, given to the New York Trust Company as trustee, to secure an authorized issue of a total face value of \$5,000,000.

2. That said bonds of the total face value of \$310,000 may be sold for not less than 92½ per cent of their face value and accrued interest to give net proceeds of at least \$286,750.

3. That said bonds of the face value of the \$310,000 so authorized, or the proceeds thereof to the amount of \$286,750, shall be used solely and exclusively for the following purposes:

For the construction of an artificial gas plant in the city of Elmira, N. Y., and the cost and installation therein of the necessary equipment, as set forth in revised exhibit A, schedule 1, attached to the supplemental petition herein dated May 12, 1917.....	\$322,025.00
Less equipment to be displaced with the installation of the new plant as detailed in exhibit A, schedule 2, attached to said amended and supplemental petition herein.....	35,930.00
	<hr/>
	\$286,095.00

Excess \$655.00

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction hereinbefore summarized only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definition contained in the Uniform Systems of Accounts for Electrical and Gas Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of such bonds over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in revised exhibit A, schedule 1, of the amended and supplemental petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the work to be done and equipment to be purchased and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such work and equipment, the actual cost of which must be actual expenditures made as defined in the Commission's Uniform Systems of Accounts for Electrical and Gas Corporations.

4. That if the said bonds of a total face value of \$310,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$310,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Elmira Water, Light and Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Elmira Water, Light and Railroad Company shall for each six months' period ending June 30th and December 31st file, not more than thirty

days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the bonds herein authorized for the purpose specified herein and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary by the prescribed accounts of the expenditures during such period. In reporting under subdivisions (f) and (g) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4023]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 7th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of WESTERN NEW YORK AND PENNSYLVANIA TRACTION COMPANY under section 55, Public Service Commissions Law, for authority to issue \$12,000 in 5 per cent bonds under its first and refunding mortgage and supplements.

Petition filed May 21, 1917; supplemental petition filed May 25, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Western New York and Pennsylvania Traction Company is hereby authorized to issue \$12,000 face value of its 5 per cent 50-year first and refunding mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated December 1, 1906, given to the Colonial Trust Company (now Equitable Trust Company of New York) as trustee, and supplements thereto dated December 15, 1908, and July 10, 1911, given to the Trust Company of America (now Equitable Trust Company of New York) as trustee, to secure an authorized issue of a total face value of \$5,000,000.

2. That said bonds of the total face value of \$12,000 may be sold for not less than 85 per cent of their face value and accrued interest to give net proceeds of at least \$10,200.

3. That said bonds of the face value of \$12,000 so authorized, or the proceeds thereof to the amount of \$10,200, shall be used solely and exclusively for the reimbursement of the treasury of the petitioner for expenditures from income for the purchase on the dates shown below of the following bonds of the Olean Street Railway Company (an underlying company):

August 1, 1915.....	\$2,050.00
November 1, 1915.....	4,100.00
August 1, 1916.....	2,050.00
November 1, 1916.....	4,100.00
	<hr/>
	\$12,300.00

Amount unprovided for..... \$2,100.00

4. That if the said bonds of a total face value of \$12,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$12,300, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Western New York and Pennsylvania Traction Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Western New York and Pennsylvania Traction Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds used the report shall set forth such fact.

7. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

414 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5645]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of Petition of SOUTHERN NEW YORK POWER AND RAILWAY CORPORATION under subdivision 10, section 8 of the Railroad Law for authority to make a mortgage; and under section 55, Public Service Commissions Law, for authority to issue bonds to be secured thereby.

Supplemental and amendatory order.

By order herein dated October 19, 1916, the Southern New York Power and Railway Corporation (the former name of which was Otsego and Herkimer Railroad Company) was authorized among other things to issue at its par value \$199,400 par value of common capital stock; to execute a mortgage or indenture upon all its plant and property to secure an issue of a total face value of \$10,000,000 5 per cent fifty-year first and collateral mortgage bonds, and to issue \$1,633,000 face value of such bonds: \$1,383,000 of which were authorized to be sold for not less than their face value, and \$250,000 for not less than 80 per cent thereof; and \$1,200,000 of the proceeds so realized were to be used to retire a like amount of outstanding first mortgage 5 per cent fifty-year bonds of Otsego and Herkimer Railroad Company at their face value. According to a verified report filed herein in accordance with the requirements of the order, none of such authorized securities have been issued. Under date of April 6, 1917, the company filed a supplemental application, asking that the aforesaid order dated October 19, 1916, be amended to authorize the issuance at par of \$500,000 par value of 7 per cent cumulative preferred capital stock, and the use of said stock or its proceeds to retire a like amount of the outstanding 5 per cent fifty-year first mortgage gold bonds, and to vacate the authority to issue and to use for that purpose a like amount of bonds under the mortgage therein authorized to be executed. A hearing on this supplemental application was held on May 25, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Southern New York Power and Railway Corporation is hereby authorized to issue \$500,000 par value of its 7 per cent cumulative preferred capital stock, which stock or the proceeds thereof realized by sale at par shall be used solely and exclusively in the reacquisition of a like amount of outstanding 5 per cent fifty-year first mortgage gold bonds of the petitioner issued in its former name, Otsego and Herkimer Railroad Company, under a mortgage dated April 1, 1912, and each of said bonds when acquired shall be canceled and retired by the trustee under the mortgage so that they will not continue as a lien against the property.

2. That verified reports of the sale of such stock and of the use made thereof or of its proceeds shall be filed as and when reports of that nature are required by the original order herein dated October 19, 1916. Such reports shall also set forth the details as to the cancellation and retirement of the first mortgage bonds as herein required.

3. That the authority contained in the order herein dated October 19, 1916, to issue \$500,000 face value of 5 per cent fifty-year first and collateral mortgage bonds of the aggregate face value of \$1,633,000 therein authorized, and to use such bonds or their proceeds for the reacquisition of a like amount of underlying bonds, is hereby vacated.

4. That the Southern New York Power and Railway Corporation shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5702]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of CANISTEO LIGHT AND POWER COMPANY, INC., under section 68, Public Service Commissions Law, for permission to construct in the incorporated village of Canisteo, Steuben county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received by Charles A. Larrowe from said village, consent to transfer of this franchise to the company being asked; also under section 69 for consent to execute a first mortgage and to issue \$10,000 in bonds to be secured thereby.

Amendatory
order.

By order herein dated April 26, 1917, the Canisteo Light and Power Company, Inc., was authorized, among other things, to apply the proceeds to be realized from the sale of \$10,000 face value of 6 per cent first mortgage bonds at not less than 95 per cent of their face value toward the cost of a Diesel direct connected oil engine unit 160-kw. generator. Under date of June 4, 1917, the company states that it is unable to obtain that equipment, and asks for authority to use the proceeds authorized for that purpose for the acquisition of one 200-kva. generator, direct connected to an Alberger gas engine, with producer. The matter was referred to the Commission's engineer, who recommended, by report dated June 7, 1917, that the company's application be granted. Now, therefore, it is

Ordered: That subdivision (a) of clause 6 of the order herein dated April 26, 1917, is hereby modified and amended by the substitution therefor of the following: "(a) 1 200-kva. generator, direct connected to an Alberger gas engine, with producer, exciter, switchboard, and instruments, \$8000."

416 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5770]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

In the matter of the application of THE NEW YORK CENTRAL RAILROAD COMPANY in regard to "New York Central Railroad Equipment Trust of 1917".

Supplemental and amendatory order.

Petition filed November 4, 1916; report of division of steam railroads dated December 1, 1916; hearing held December 27, 1916; report of division of capitalization dated December 28, 1916; supplemental petition filed May 22, 1917; hearing held May 25, 1917; report of division of steam railroads dated June 7, 1917; report of division of capitalization dated June 7, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the authority contained in the order herein dated December 28, 1916, is hereby amended to authorize the sale of \$3,795,000 face value of the fifteen-year 4½ per cent equipment trust certificates of the aggregate face value of \$12,000,000 therein authorized, for not less than 93 per cent of their face value and accrued interest to give net proceeds of at least \$3,529,350.

2. That The New York Central Railroad Company is hereby authorized to issue \$4,755,000 face value of its fifteen-year 4½ per cent equipment trust certificates under the trust agreement dated January 1, 1917, authorized to be executed by order herein dated December 28, 1916, to secure an authorized issue of a total face value of \$19,995,000, which may be sold for not less than 93 per cent of their face value and accrued interest to give net proceeds of at least \$4,422,150.

3. That said certificates of the face value of \$8,550,000 herein and heretofore authorized in this proceeding, or the proceeds thereof to the amount of \$7,951,500, shall be applied solely and exclusively toward the purchase price of the equipment set forth in exhibit A attached to the supplemental petition filed herein under date of May 22, 1917, as follows: 12 all steel hopper cars, 10 electric locomotives, 90 steel passenger coaches, 80 steel baggage cars, 25 steel baggage cars, 10 steel dining cars, 155 Mohawk type locomotives, 10 steel combination passenger and baggage cars, 20 steel combination baggage and mail cars: estimated cost of equipment to be purchased, \$10,689,700; cash to be provided from the treasury of the petitioner, \$3,098,200.

4. That verified reports of the sale of such certificates and of the use made thereof or of their proceeds shall be filed as and when reports of that nature are required by the original order herein dated December 28, 1916.

5. That The New York Central Railroad Company is hereby authorized to pledge \$8,550,000 of said fifteen-year 4½ per cent equipment trust certificates herein and heretofore authorized in this proceeding as collateral security for any of its loans incurred in the payment of the equipment herein described, provided that the following prohibitions are observed: (a) That the principal of such loans for which said certificates are pledged shall in no event be less than 83 per cent of the face value of the certificates pledged as collateral security therefor; (b) that said certificates shall not be pledged for a greater period than one year from the date of this order without the further order of this Commission.

6. That the company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such

period, a verified report showing (a) the total face value of certificates herein and heretofore authorized in this proceeding that are pledged as collateral security for The New York Central Railroad Company's notes on the closing dates of such period; (b) what if any certificates have been pledged during such period in accordance with the authority contained herein; (c) the dates of such pledging; (d) to whom such certificates were pledged; (e) the principal of each loan for which such certificates are pledged, their terms and interest rates; (f) any other terms and conditions of such transactions; (g) the amount of such note proceeds expended during such period for the purpose specified herein, and the account or accounts under the Classification of Investment in Road and Equipment for Steam Roads to which such expenditures have been charged. Such reports shall continue to be filed until all of the proceeds of the notes secured as herein authorized shall have been disposed of for the purposes specified in this order.

7. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

8. That the notes, or the proceeds thereof, for which certificates herein and heretofore authorized in this proceeding are pledged as collateral security shall be used exclusively for the purposes for which the certificates or their proceeds were authorized to be used as set forth in this order.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said certificates herein and heretofore authorized in this proceeding is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CASE,
JOHN A. BARNHYTE,
Commissioners.

In the matter of the Complaint under section 53, Railroad Law (amended by chapter 559, laws of 1915), of RESIDENTS OF THE HAMLET OF ARKVILLE, Delaware county, *against* THE ULSTER AND DELAWARE RAILROAD COMPANY and the DELAWARE AND NORTHERN RAILROAD COMPANY, asking that said companies provide a flagman at the crossing at grade of railroads operated by them and the main highway in Arkville.

Petition filed December 6, 1915; answer filed February 16, 1917; hearing held at Arkville, N. Y., June 1, 1917. Appearances: William H. Jones, C. C. Hoombeck, George R. Dodds, and Frank Moran, petitioners, in person; H. H. Flemming for The Ulster and Delaware Railroad Company; A. C. Fenton for the Delaware and Northern Railroad Company. The complainants in this case allege that the safety of the general public requires a flagman on a crossing in Arkville where the state highway is crossed by the tracks of the two railroad companies. Arkville is a small hamlet on the line of The Ulster and Delaware Railroad Company and the northerly terminus of the railroad of the Delaware and Northern Railroad Company. The state road in question runs east and west through Arkville. A single track of each of the railroads crosses this highway in the westerly portion of the hamlet. The

approach to the tracks from the east is on a down grade and the view of the tracks toward the east is somewhat obstructed. The view of the tracks toward the west is reasonably good. Approaching the railroad crossing on the highway from the west, the view of the tracks toward the east is good; but toward the west it is sometimes obstructed by freight cars on a siding of the Delaware and Northern Railroad Company. There is a good deal of automobile traffic on this highway during the Summer. Numerous witnesses testified as to the desirability of a flagman at this crossing, but no one had any knowledge of any accident at the crossing during the past five years and only three during many years preceding that period. Under all the circumstances, it would not appear that the safety of the traveling public made it imperative to have a flagman at this crossing at the present time. Reasonable care on the part of travelers on the highway ought to prevent any accident at this crossing, for the reason that all passenger trains from the east stop at the station which is a short distance east of the crossing, and all trains from the west and south slow down before reaching the crossing inasmuch as it is in the yard limits. It was suggested at the hearing that it might be safer for travelers on the highway if the railroad companies would cause the whistles on all locomotives approaching the crossing to be blown continuously from a point about three hundred feet on either side of the crossing until the crossing was reached and that the bell of locomotives should also be rung between the same points. The representatives of the railroad companies intimated that instructions to this effect would be given immediately. Under all the circumstances, therefore, the Commission recommends that the railroad companies should issue orders requiring these signals to be given as indicated. If this is done, it is believed that all reasonable precautions will have been taken to make this crossing safe under present operating conditions. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed, with the privilege to the complainants of renewing the complaint provided the railroad companies shall fail to put into effect immediately the new rule for signaling by whistle and bell at this crossing.

[Case No. 5923]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of EMPIRE GAS AND ELECTRIC COMPANY and EMPIRE COKE COMPANY under section 69, Public Service Commissions Law, for authority to issue \$100,000 in joint first and refunding mortgage bonds.

Petition filed February 28, 1917; report of division of light, heat, and power dated May 7, 1917; report of division of capitalization dated June 7, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Empire Gas and Electric Company and Empire Coke Company are hereby authorized to issue \$100,000 face value of their 5 per cent thirty-year joint first and refunding mortgage bonds, under a certain indenture, deed of trust, or mortgage dated March 1, 1911, given to the Pennsylvania Company for Insurance on Lives and Granting Annuities as trustee, to secure an authorized issue of a total face value of \$5,000,000.

2. That said bonds of the total face value of \$100,000 may be sold for not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$90,000.

3. That said bonds of the face value of \$100,000 so authorized, or the proceeds thereof to the amount of \$90,000, shall be used solely and exclusively for extensions and improvements to the plant and distribution system of the Empire Gas and Electric Company as set forth in schedule A attached to the petition herein, as amended by the report herein dated May 7, 1917, of the Commission's division of light, heat, and power, as follows:

Electric Department:

1. Re-insulation of transmission line between Waterloo and Geneva.	\$892.58
2. Installation of 13200-v. substation equipment in Clyde.....	703.20
3. Additional electrical laboratory equipment.....	400.00
4. One motor driven air compressor for cleaning generators in Auburn station	500.00
5. Additions to outdoor substation in Auburn substation to increase capacity of 2300-v. side of substation.....	2,500.00
6. Additional equipment for outdoor substation at Seneca Falls power plant	10,369.00
7. Enlarging gates, race, and forebay, and installing new water-wheels and new generator at Lyons hydro-electric station.....	11,500.00
8. Installing one 2000-kw. synchronous condenser each in Auburn steam plant and Geneva station.....	20,000.00
9. Installing 12 street lighting transformers in various towns.....	1,000.00
10. Installing wireless equipment at Geneva and Auburn plants to supplement telephone in case of breakdown.....	350.00

Gas Department:

1. Installation at Geneva, near Coke plant, of carburetted water gas apparatus with capacity of 1,330,000 cu. ft. of gas per 24 hours, including generators, carburetter superheater, condenser, blower, blst. etc., necessary iron flooring and generator house, oil storage tank of 100,000 gallons capacity, etc.....	38,000.00
2. New high pressure gas pipe line from village of Newark west to Plets Bridge	4,120.00

\$90,334.78

Amount unprovided for..... \$334.78

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Electrical and Gas Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of such bonds over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in schedule A of the petition herein are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the equipment and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed to be a present estimate of the probable cost of such equipment and work the actual cost of which must be actual expenditures made as defined in the Commission's Uniform Systems of Accounts for Electrical and Gas Corporations.

4. That if the said bonds of a total face value of \$100,000 herein authorized shall be sold at such price as will realize net proceeds of more than \$90,334.78, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Empire Gas and Electric Company and Empire Coke Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Empire Gas and Electric Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the bonds herein authorized for the purposes specified herein and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures during such period for each of such purposes; (h) a summary by the prescribed accounts of the expenditures during such period. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the companies shall within thirty days of the service of this order advise the Commission whether or not they accept the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5931]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

THE MASTER BAKERS' FEDERATION, by Moses B. Fertig,
secretary, complainant, *against* NEW YORK TELEPHONE COMPANY, respondent.

A public hearing in this matter was held by this Commission in New York city on May 11, 1917, at which complainant and the company were represented, and at which it was agreed that telephone service should be furnished complainant, under circumstances shown by the stenographers' minutes. Subsequently the company informed the Commission that a contract for the service had been signed, and attorney complainant informed the Commission that the telephone has been installed. Under these circumstances it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 5936]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

MOSES B. FERTIG, complainant, *against* NEW YORK
TELEPHONE COMPANY, respondent.

A public hearing in this matter was held by this Commission in New York city on May 11, 1917, at which complainant and the company were represented, and at which it was agreed that telephone service should be furnished complainant, under circumstances shown by the stenographers' minutes. Subsequently the company informed the Commission that a contract for the service had been signed, and attorney complainant informed the Commission that the telephone has been installed. Under these circumstances it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 5988]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 12th day
of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the HANNAWA FALLS
WATER POWER COMPANY under section 70, Public
Service Commissions Law, for consent to transfer to
St. Lawrence Transmission Company what are known
as the "Colton Properties," which are real estate,
water rights, etc.

By order herein dated May 17, 1917, the Hannawa Falls Water Power Company was authorized to sell to the St. Lawrence Transmission Company for not less than \$125,000 certain of its property known as the "Colton Properties," described in schedule E attached to the petition herein filed on April 30, 1917. By supplemental petition herein filed on May 29, 1917, the Hannawa Falls Water Power Company states that three parcels of land owned by it, described in schedule A attached thereto, which it also desired to sell to the St. Lawrence Transmission Company, were inadvertently omitted from the above referred to petition, and it therefore now asks that an order be entered in this proceeding approving the sale of such additional property to the said St. Lawrence Company for not less than \$26,500. The petition states that the real estate in question is not subject to the mortgage upon the property of the Hannawa company, and that it was purchased by it for a like sum as a necessary factor in the water power development of said Colton properties. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Hannawa Falls Water Power Company is hereby authorized to sell to the St. Lawrence Transmission Company, for

\$26,500, three parcels of land as described in schedule A attached to the supplemental petition herein filed on May 29, 1917; and the St. Lawrence Transmission Company is hereby authorized to acquire such property from the Hannawa Falls Water Power Company.

2. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

[Case No. 6010]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of PARKE ERWIN and ORIN E. SOUTHWICK, comprising the firm of Erwin and Southwick, under section 68, Public Service Commissions Law, for permission to construct in the town of Champlain, Clinton county, and in the incorporated village of Champlain, Clinton county, an electric plant, including poles, wires, and appurtenances, for transmitting and furnishing electricity; and for approval of the exercise of rights and privileges under franchises to use highways and public places therefor received from said municipalities.

Petition filed May 2, 1917; objections filed by Champlain Electric Company May 17, 1917; hearing held in the city of Albany, N. Y., May 25, 1917. Appearances: W. H. Dunn for petitioners; James Averill, jr., for The Sheridan Iron Works; John P. Kellas for Champlain Electric Company. The petitioners in this case are engaged in the lumber business in Clinton county, under the firm name of Erwin and Southwick. They own a water power on the Big Chazy river in the town of Champlain and operate a shingle- and saw-mill at that point, which is about three miles southwesterly from the boundary line of the village of Champlain. They have more power than is required for operating their sawmill, and desire to generate and sell electric energy to The Sheridan Iron Works, a concern manufacturing bookbinding machinery in the village of Champlain. In order to do this they seek permission to exercise certain franchises granted by the municipal authorities of the Town and Village of Champlain on April 17, 1917, and April 20, 1917, respectively. The transmission line which would supply this power would be about four miles in length, three miles in the town and one mile in the village of Champlain. The franchises in question limit the petitioners to the sale of electricity to The Sheridan Iron Works in the village of Champlain, and to no other person, firm, or corporation. The Champlain Electric Company filed objections to the application on the ground that there is no demand for additional electric energy in the town and village of Champlain beyond that supplied by the Champlain Electric Company, and that if the petitioners should establish an electric plant as proposed it would interfere with the use of water in the river by the Champlain Electric Company, whose plant is below that of the petitioners. It also contends that if such a plant is established it will increase the operating expenses of the Champlain Electric Company, because the interference with the flow of water in the river will make it necessary to generate power in other ways, and as a result it would be necessary to increase the rates for public and private lighting in the village. At the hearing James A. Averill, jr., the vice-president of The Sheridan Iron

Works, stated that that company desired to purchase an additional supply of electric power, and had been negotiating for some time with the representatives of the Champlain Electric Company but had been unable to make any satisfactory contract for such power. Thereafter it was ascertained that from 60 to 100 horsepower of electric energy could be generated and delivered by the petitioners, and that this power would be contracted for if the exercise of the franchises of the petitioners was approved by the Commission. In addition to this, Mr. Averill stated that they required considerable additional power beyond that which the petitioners could supply, and The Sheridan Iron Works would be glad to take such power as the Champlain Electric Company might furnish, at a reasonable price. At the close of the hearing the parties were notified by the Commissioner in charge to advise the Commission on or before June 4, 1917, whether any arrangement had been made by which The Sheridan Iron Works could obtain power from the Champlain Electric Company. The Commission has been advised that no such arrangement has been made. A brief has been filed on behalf of the Champlain Electric Company in support of its objections, but it points out no good reason why the application of the petitioners should be denied. Under all the circumstances it would appear as though the Commission would not be acting in the public interest if it prevented a manufacturing corporation in the village of Champlain from obtaining a needed supply of electric power when the same was available, merely because of the fact that the local lighting company in the village objected, especially when that company is either unable or unwilling to supply such power. Under the circumstances, therefore, the Commission has determined that public convenience and necessity require the construction, maintenance, and operation of an electric plant in the town of Champlain and in the village of Champlain by Erwin and Southwick, for the purpose of supplying electric energy solely to The Sheridan Iron Works in the village of Champlain, N. Y. It is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to Parke Erwin and Orin E. Southwick to construct, maintain, and operate an electric plant in the town of Champlain and in the village of Champlain, Clinton county, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by them of the franchises granted to them by the town board of the Town of Champlain and the Village of Champlain on April 17, 1917, and April 20, 1917, respectively, subject to all of the terms and conditions therein set forth.

2. This permission and approval is granted by the Public Service Commission to enable the said Parke Erwin and Orin E. Southwick to generate, transmit, and deliver electric energy to The Sheridan Iron Works in the village of Champlain, N. Y., and for no other purpose whatsoever.

3. This order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

4. The said Parke Erwin and Orin E. Southwick, doing business under the firm name of Erwin and Southwick, shall notify the Commission within ten days from the date of this order if they accept the same and will comply with the terms thereof in all respects.

[Case No. 6011]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the NIAGARA AND ERIE POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in portions of the city of Dunkirk an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise to use streets and public places of portions of said city therefor received from the city.

Niagara and Erie Power Company having made petition, pursuant to section 68 of the Public Service Commissions Law, for permission to construct in portions of the city of Dunkirk an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for power, and for approval of the exercise of rights and privileges under a franchise to use the streets and public places of portions of said city therefor received from the city; and it appearing that the common council of the City of Dunkirk on the 12th day of September, 1916, did grant to said Niagara and Erie Power Company the permission and consent to maintain, construct, and operate, for a period of forty years from the date of said franchise, the necessary poles, wires, cables, conduits, subways, appliances, and structures in, through, upon, over, and across all of the streets, alleys, highways, and public ways named in said franchise, for the transmission and distribution of electric power upon certain terms and conditions named in said franchise; and said permission and franchise having been duly approved by the mayor of said City of Dunkirk on the 21st day of September, 1916; and said Niagara and Erie Power Company having, by an instrument in writing duly filed in the office of the city clerk of the City of Dunkirk on the 7th day of October, 1916, accepted the privileges and franchise granted to it by the authorities of said city, and agreed to keep and observe each and all the terms, conditions, and stipulations contained in said franchise; and it appearing that said franchise was granted by said common council pursuant to the decision of the taxpayers of said city as indicated at a special election called for that purpose and held on the 4th day of August, 1916; and due proof of the result at said election having been made and filed, by which it appears that 271 ballots were cast in favor of granting said franchise and 123 ballots were cast against granting said franchise; and due proof of due publication of the pendency of said application having been made and filed; and the matter having come on for hearing before Commissioner Barhite at Buffalo, New York, on the 25th day of May, 1917; and the petitioner having offered its petition; and the Commission having determined that public convenience and necessity require the construction, operation, and maintenance of the poles, wires, cables, conduits, subways, appliances, and structures in, through, upon, over, and across the streets, alleys, highways, and public ways of that portion of the city of Dunkirk described in the permission and consent of the local authorities of the City of Dunkirk to said Niagara and Erie Power Company; it is

Ordered: 1. That the consent granted to the Niagara and Erie Power Company by the common council of the City of Dunkirk on the 12th day of September, 1916, and approved by the mayor of said city on the 21st day of

September, 1916, be and the same is hereby approved, and permission is hereby given to said company to exercise the rights and privileges granted in and by the terms of said franchise.

2. That the approval of said franchise shall not be a determination, nor does it imply a determination, that the rates mentioned therein are just or reasonable or that they are not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York.

3. That permission be and the same is hereby granted to the Niagara and Erie Power Company to construct, maintain, and operate, for a period of forty years from the 12th day of September, 1916, for the transmission and distribution of electric power only, all the necessary poles, wires, cables, conduits, subways, appliances, and structures in, through, upon, over, and across all the streets, alleys, highways, and public ways of that portion of the city of Dunkirk lying outside of the area bounded by the center line of Third street between the easterly line of Brigham road and the westerly line of Lion street; by the westerly line of Lion street between the center line of Third street and the southwesterly line of Railroad avenue; between the westerly line of Lion street and the northerly line of Talcott street; by the northerly line of Talcott street between the westerly line of Railroad avenue and the westerly line of Maple or Smith street; by the westerly line of Maple or Smith street between the northerly line of Talcott street and the northerly line of Seventh street; and by the northerly line of Seventh street between the westerly line of Maple or Smith street and the westerly line of Lion street; by the westerly line of Lion street between the northerly line of Seventh street and The New York, Chicago and St. Louis Railroad Company's right of way; by the said railroad right of way between the westerly line of Lion street and the easterly line of Central avenue; by the easterly line of Central avenue between said railroad right of way and the northerly line of Prospect or Lucas avenue; by the northerly line of Prospect or Lucas avenue between the easterly line of Central avenue and the easterly line of Brigham road; and by the easterly line of Brigham road between said northerly line of Prospect or Lucas avenue and the center line of Third street; it being understood that permission and consent are given to said Niagara and Erie Power Company under the express condition and understanding that said company, its successors, lessees, or assigns, shall not sell or distribute electric power to any consumer in the city of Dunkirk whose one-minute maximum demand is less than 75-kw. except as provided in paragraph marked 2 of the franchise granted to said company by the common council and mayor of said City of Dunkirk.

[Case No. 6012]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of D. P. LAPPEUS and J. A. GRIFFIN of the incorporated village of Schenevus against GREAT BEAR LIGHT AND POWER COMPANY, asking that they be furnished with incandescent electric lighting in their homes.

Complaint filed May 8, 1917; answer filed May 21, 1917; hearing at Schenevus, N. Y., June 1, 1917. Appearances: Oscar F. Lane for complainants; J. P. Friery for respondent. The complainants reside on Welton avenue, in the village of Schenevus, N. Y., and desire that respondent shall extend its

lines a sufficient distance so that they may have electricity for lighting purposes in their residences. To do this the company would be obliged to extend its lines from Main street along West street to Welton avenue, a distance of about 650 feet; thence along Welton avenue for a distance of about 800 feet, to reach the residence of Mr. Griffin. The residence of Mr. Lappeus is about 200 feet from West street. It appeared at the hearing that a representative of respondent had notified Otto F. Lewis some time ago that the company would extend its lines to serve the complainants when they had their houses wired, and that on the strength of this assurance complainants had wired their houses for electricity. Thereafter the manager of the company notified the complainants that it would require a guarantee of at least \$4 a month before making the extension to serve the complainants. On the hearing, each of the complainants stated that he desired to take electricity on a meter basis and would be willing to pay a minimum charge of \$1 a month for the service. They were unwilling to obligate themselves to pay a minimum amount of at least \$4 a month for the service. There are prospects of additional customers along Welton avenue and also on West street at some future time, but for the present the respondent would not derive a fair return on the amount which it would be obliged to expend in making this extension if it only received \$1 a month from each of the complainants. The manager of the company estimated that it would cost it something over \$160 to make the extension, and these figures are apparently conservative under present conditions. Under all the circumstances, therefore, the respondent was undoubtedly justified in requiring a minimum guarantee of \$4 a month if it should make the desired extension to serve the complainants. The Commission would not be warranted in requiring the extension to be made for a minimum payment of \$2 per month. It is believed that as a result of the hearing the merits of the case are better understood by each of the parties, and that some amicable adjustment will probably be reached. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and that the case be closed upon the records of the Commission.

[Case No. 6014]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the CATSKILL MOUNTAIN RAILROAD CORPORATION under sections 53, 54, and 55, Public Service Commissions Law, as to transfer of railroad franchises and rights to it; for permission to operate the railroads and exercise the franchises; for permission to issue common capital capital stock and a demand note. Also petition of Eben E. Olcott, Alfred V. S. Olcott, and George H. Beach.

Amendatory
order.

Petition filed May 12, 1917; report of division of capitalization dated May 22, 1917; hearing held May 23, 1917; order entered May 24, 1917; supplemental petition filed June 1, 1917. By order herein dated May 24, 1917, the Commission authorized the Catskill Mountain Railroad Corporation to use \$85,100 of proceeds realized from the sale of its capital stock and demand notes for the purchase of the property, rights, privileges, etc., formerly

belonging to the Catskill Mountain Railway Company, Otis Railway Company, and Catskill and Tannersville Railway Company, and to use \$5000 of similar proceeds to reimburse the present owners for rehabilitating expenses from January 1, 1917, to the date of said order. Under date of May 31, 1917, the company advises that owing to an error in the preparation and presentation of its petition the rehabilitating expenses of only one of the three railroads involved was taken into consideration, and that \$5000 is inadequate, and requests that it be authorized to use \$7100 of such proceeds for that purpose. Now, therefore, it is

Ordered: That subdivision (b) of clause No. 4 of the order herein dated May 24, 1917, is hereby modified and amended by the substitution thereof of the following:

(b) For working capital, less an amount up to but not in excess of \$7100, to be used to reimburse the present owners for rehabilitating expenses from January 1, 1917, to May 24, 1917, provided that such working capital shall not be disbursed for purposes properly chargeable to income, but shall be retained to carry its accounts receivable and to provide a sufficient amount for materials and supplies to economically transact its business, \$8100.

[Cases Nos. 6036, 6037]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

In the matter of the Petition of ARCADE AND ATTICA RAILROAD CORPORATION under section 55, Public Service Commissions Law, for authority to issue \$125,000 in common capital stock.

Petition of ARCADE AND ATTICA RAILROAD CORPORATION under section 53, Public Service Commissions Law, for permission and approval of the Commission to the operation of its railroad and the exercise of the franchises of the railroad corporation formerly Buffalo, Attica and Arcade railroad, and a portion of the former Wellsville and Buffalo railroad in the village of Arcade.

Petition filed May 31, 1917; hearing held June 8, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the consent of this Commission is hereby given to the transfer to the Arcade and Attica Railroad Corporation of the franchise or franchises of the former Buffalo, Attica and Arcade Railroad, and to the exercise of all of the rights and privileges of the franchise or franchises so transferred to it, subject however to all the terms and conditions thereof.

2. That the Arcade and Attica Railroad Corporation is hereby authorized to acquire the steam railroad property and appurtenances formerly owned by the Buffalo, Attica and Arcade Railroad, and to operate the property so acquired.

3. That the Arcade and Attica Railroad Corporation is hereby authorized to take a lease for seven and one-half years, at a nominal rental, from the Wellsville and Buffalo Railroad Corporation, of a portion of the right of way

of that corporation, for a distance of approximately a mile and a-half, between the village of Arcade and the Pennsylvania station.

4. That the Arcade and Attica Railroad Corporation is hereby authorized to issue \$125,000 of its common capital stock which may be sold for not less than its par value to give net proceeds of at least \$125,000, which proceeds shall be used solely and exclusively for the following purposes:

- | | |
|--|--------------|
| (a) For the acquisition of the steam railroad property and appurtenances formerly owned by the Buffalo, Attica and Arcade Railroad Company, which were sold at foreclosure sale on the 25th day of May, 1917, consisting of about twenty-eight miles of standard gauge steam railroad between the village of Arcade and the village of Attica, New York, and the appurtenances and equipment thereof.... | \$79,000.00 |
| (b) For the purchase of the necessary rail equipment to equip the portion of the railroad to be leased from the Wellsville and Buffalo Railroad Corporation, for the purchase of two engines, and for the necessary expenses incurred in rehabilitating and equipping the property to be acquired..... | 46,000.00 |
| | \$125,000.00 |

5. That the Arcade and Attica Railroad Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount of such proceeds used during such period for the purposes specified in this order. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds used the report shall set forth such fact.

6. That the Arcade and Attica Railroad Corporation shall charge to the prescribed accounts under the Classification of Investment in Road and Equipment of Steam Roads promulgated by the Interstate Commerce Commission and adopted by this Commission, the actual cost to it of the property of the former Buffalo, Attica and Arcade Railroad herein authorized to be acquired, which cost shall be \$79,000; and that the company shall within thirty days after the acquisition of such property file a detailed report showing the allocation to such prescribed accounts of this purchase price and the other expenses in the equipping and rehabilitating of the property, which allocation shall be subject to the approval of this Commission.

7. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with this Commission a satisfactory, verified stipulation over the signature of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6047]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of CHASM POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$3000 in 5 per cent bonds under an existing first mortgage for \$75,000.

Petition filed June 6, 1917; report of division of light, heat, and power dated June 8, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Chasm Power Company is hereby authorized to issue \$3000 face value of its first mortgage 5 per cent gold bonds under a certain indenture given to Frank P. Kennedy, cashier of the First National Bank of Chateaugay, N. Y., dated April 15, 1916, to secure an authorized issue of a total face value of \$75,000.

2. That said bonds of the total face value of \$3000 shall be sold for not less than their face value and accrued interest to give net proceeds of at least \$3000.

3. That said bonds of the face value of \$3000 so authorized, or the proceeds thereof to the amount of \$3000, shall be used solely and exclusively for the purpose of paying in part the cost of extending a power line from the plant of the petitioner to the mill of the High Falls Pulp and Paper Company, the estimated cost of which is stated in the petition to be as follows:

135 poles at \$4.50 each, set.....	\$607.50
Insulators, crossarms, and pole hardware.....	350.00
Transformers, switches, and switchboards.....	350.00
Nine miles of No. 1 copper wire.....	5,043.87
Labor on construction.....	500.00
	<hr/>
	\$6,851.37

Amount unprovided for..... \$3,851.37

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work.

4. That none of said bonds herein authorized shall be hypothecated or pledged as collateral by the Chasm Power Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

5. That the Chasm Power Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein and the date of such sale or disposition; (b) to whom such bonds were sold; (c) what proceeds were realized from such sale; (d) any

other terms and conditions of such sale; (c) the amount expended of the proceeds for the purpose specified herein during such periods and stating to what account or accounts such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds thereof accounted for in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 494-G]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the application of THE NEW YORK CENTRAL RAILROAD COMPANY for permission to use coal-burning locomotives Nos. 2407, 2408, and 2411 in ballast operations on the Adirondack division between Owls Head and Whippleville, from June 15 to September 15, 1917.

The petitioner having applied under date of June 9th for leave to use coal-burning locomotives in ballast operations on the Adirondack division of its railroad between Owls Head and Whippleville, such permit to cover period from June 15 to September 15, 1917; and the matter having been presented to the Conservation Commission, which latter has indicated its approval of the railroad corporation's request, provided the provisions hereinafter set forth as conditional to the granting of this order shall be inserted therein; now therefore it is

Ordered: That The New York Central Railroad Company is hereby granted permission to operate coal-burning locomotives Nos. 2407, 2408, and 2411 in connection with its ballast operations on the Adirondack division between Owls Head and Whippleville, at all hours of the day, from June 15 to September 15, 1917, upon the following conditions, nevertheless:

1. That the railroad corporation shall cause each coal-burning locomotive operated between Owls Head and Whippleville, in either direction, as above provided, to be followed by a patrolman on a speeder.

2. That each locomotive used and operated as herein provided shall be inspected daily at Malone Junction.

3. That each locomotive used and operated as herein above provided shall have been first thoroughly inspected, examined, and approved by the Public Service Commission before being placed in service at the beginning of the period herein provided; and that at the close of each thirty-day period thereafter during the entire interval herein provided for, each of such locomotives so used and operated shall have been again thoroughly examined, inspected,

and approved by the Public Service Commission before being placed or continued in service.

4. That this permission be subject to withdrawal on twelve hours' notice, provided weather conditions become dry and there is danger of fire.

5. That this permission be subject to cancellation in case any fires are started.

[Case No. 2485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for the elimination of a grade crossing of the New York Central and Hudson River railroad on county highway No. 573, in the town of Webster, Monroe county.

The work covered by the Commission's determination of July 2, 1914, in the above entitled matter, having been entirely completed in accordance with the requirements of said determination and approved general and detail plans and specifications, to the satisfaction of the railroad company, of the State Commission of Highways, and of this Commission, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 4114]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for the elimination of a grade crossing of the New York Central and Hudson River railroad (West Shore) at Cementon, Greene county.

Ordered: 1. That an accounting entered into by The New York Central Railroad Company with the State Commission of Highways showing expenditures to the amount of \$64,631.68, including interest, properly and necessarily incurred in carrying out the Commission's order of April 28, 1914, in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$57,395.89 has been expended by the railroad corporation and the sum of \$7,235.79 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$64,631.68 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$32,315.84, and the share of the State of New York is the sum of \$32,315.84, upon which it is entitled to a credit in the sum of \$7235.79 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said The New York Central Railroad Company from funds appropriated for improvement of highways the sum of \$25,080.05.

[Case No. 4855]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the BOARD OF SUPERVISORS OF ONONDAGA COUNTY and THE NEW YORK CENTRAL RAILROAD COMPANY under section 91 of the Railroad Law for the elimination of a grade crossing of the Auburn branch of said company's railroad by the Camillus-Fairmount county highway.

On March 10, 1915, there was filed a joint petition by The New York Central Railroad Company and the Board of Supervisors of Onondaga County, asking this Commission to determine, under the provisions of section 91 of the Railroad Law, that the grade crossing of the Auburn branch of the New York Central railroad and the Camillus-Fairmount county highway be eliminated by means of the construction of an overhead highway bridge, in accordance with plans attached to the petition and approved by the respective petitioning parties. Upon this application, after proper notice to all parties in interest, a public hearing as required by law was held by this Commission at Syracuse on April 19, 1915; due proof of publication of such notice and of personal service thereof on property owners being of record. Considerable opposition to the approved plan was developed, and a written protest signed by over forty residents and property owners of the town of Camillus was filed, said protest being based on the requirement that a large part of the traffic bound for or returning from Syracuse would be compelled to travel a longer distance than is necessary under the existing highway layout. Another protest against the proposed elimination and favoring railroad crossing gates and the maintenance of the existing grade crossing was filed by owners of property in Fairmount. The railroad, consisting at this point of one track, running in an easterly and westerly direction, is parallel on the south by a street known as Milton avenue, which leads directly to Solvay and Syracuse. This street and the adjacent railroad are crossed at grade a short distance east of the Fairmount railroad station by the Camillus-Fairmount county highway, bearing in direction from southeast to northwest, and forming the main artery of highway travel between Memphis, Warner, and Amboy on the north, and Onondaga Valley on the south side of the railroad. Immediately north of the railroad a highway, part of which has also been designated as a county highway, branches from this Camillus-Fairmount county road and runs northerly to Belle Isle. The joined traffic from these two roads bound for Solvay or Syracuse, or *vice versa*, therefore crosses the railroad at grade, the crossing being so located that serious obstructions to views of the track result, both from natural obstacles and adjacent buildings.

As a result of the opposition developed at the hearing on April 19, 1915, to the plan then favored by the railroad company and the county, the Commission made no determination, on the implied understanding that further studies would be made for the purpose of finally developing a plan which would be acceptable to the petitioners and the users of the highways involved. Such studies resulted in a revised plan which apparently overcame the objections heretofore advanced, and the county and the railroad corporation accordingly on April 10, 1917, filed an amendatory petition, upon which, after proper notice to all parties in interest, a hearing was held by this Commission on May 21, 1917, due proof of the publication of such notice and of personal service thereof on property owners being of record. At this hearing appeared Frank E. Bogardus, Charles S. Keller, and Charles M. Goodspeed for the County of Onondaga; A. H. Cowie and B. S. Voorhees for The New York Central Railroad Company; H. H. Paddock for the Town of Camillus; Miller & Mattison and William Bowers for property owners; and Irving Kinyon, M. F. Fooley, George Cotton, and Sophia L. Totten, property owners, in person.

According to the amended petition the following arrangements for carrying out the proposed improvement and work have been agreed to between the county and the railroad corporation: The County of Onondaga will at its own cost and expense acquire the lands necessary for the proposed new highways and bridge approaches, pay all damages to the affected property owners, and construct the new highways and bridge approaches, including the pavement thereon and the pavement on the overhead bridge. The New York Central Railroad Company, at its own cost and expense, will construct the bridge and the abutments, arrange for the care of its telegraph line, and pay to the County of Onondaga the sum of \$2000.

A revised general plan, dated December 6, 1916, and marked "Issue No. 1," a copy thereof being attached to the amended petition and embodying the modifications and changes from the original plan as agreed to between the parties in interest, was presented at the hearing on May 21st and met with no opposition. It provides for a slight change in the location of the proposed overgrade crossing: a new highway through the lands of George Cotton connecting with Milton avenue, and a closing of Milton avenue as it exists at its point of intersection with the Camillus-Fairmount road. It further provides for an entire re-location of the highway on the south side of the tracks, distant from 50 to 80 feet easterly from the existing road, it being the intention of the county to continue the highway thus constructed on the same line to the intersection with West Genesee street, a state highway, distant approximately one-quarter of a mile from the crossing. While the plan does not include a stairway leading from the proposed bridge on the south side of the track, the Commission nevertheless considers such a stairway essential to the scheme, in that it would provide a short and convenient approach for pedestrians to the railroad station and to Milton avenue west of the Camillus county road. Upon due consideration of the evidence and all of the circumstances connected with this proceeding, the Commission has finally determined that the petition should be granted; and it is therefore accordingly

Ordered: That the grade crossing of the Auburn branch of the New York Central railroad by the Camillus-Fairmount county highway, said crossing being located about 50 feet easterly of The New York Central Railroad Company's Fairmount station, in the town of Camillus, Onondaga county, be closed and discontinued, and that travel be diverted therefrom to an overgrade crossing to be constructed east of the existing grade crossing, in accordance with the following specifications and as shown upon a general plan dated December 6, 1916, filed with the Commission, said plan, Issue No. 1, being entitled as follows: "N. Y. C. R. R. Buffalo and East Auburn Branch, Rochester Division, Elimination of Grade Crossing Camillus-Onondaga County Highway at Fairmount."

1. Beginning at a point in the existing highway north of the railroad opposite the property of Amanda Simmons, the location of the Amboy road (Camillus-Fairmount county highway) shall be so changed that its center

line shall curve to the left on a radius of 800 feet a distance of about 100 feet; thence tangent a distance of about 450 feet; thence curving to the right on a radius of 120 feet a distance of about 120 feet; thence tangent crossing the railroad track on an angle of 61 degrees and 33 minutes a distance of about 620 feet, to a point herein considered to be the southerly limit of the grade separation project.

2. A new highway shall be constructed in a straight line from the re-located county highway as described in paragraph No. 1 hereof on the south side and at a distance of about 545 feet from the track (measured along the re-located county highway), easterly to Milton avenue, meeting the latter at a point about 1250 feet (measured along the railroad track) east of the present grade crossing.

3. The road to Belle Isle shall be re-located with respect to its center line as follows: Beginning at a point in the 120 foot radius curve described in paragraph No. 1, distant about 100 feet north of the track (measured along the re-located county highway), thence proceeding northerly tangent to said curve a distance of about 370 feet; thence curving to the right on a radius of about 450 feet to a junction with the highway as it exists.

4. A solid floor overgrade highway bridge, about 100 feet long and 19 feet wide between wheel-guards, supported by mass masonry abutments with center line coinciding with the center line of the re-located county highway, shall be constructed at such height above the rails as to provide a clearance of not less than 22 feet. The bridge shall be in one span, of through plate girder construction, and carry a waterbound macadam pavement.

5. The grades of all new and re-located highways and roads shall be as follows: (a) County highway: Beginning at the point of diversion from the existing highway north of the tracks, ascending 5 per cent a distance of about 340 feet; thence ascending 2 per cent for about 150 feet; thence ascending 2.6 per cent for about 50 feet; thence level (except as crowned for drainage) across the bridge; thence descending 7 per cent for about 500 feet; thence level for about 20 feet to the end of the elimination project. (b) Milton Avenue connection: Level or substantially so for its entire length. (c) Belle Isle road: Beginning at the northerly end of the re-located highway and proceeding southerly, descending 2.6 per cent to a merger with the new projected grade on the county highway. All changes in grade to be connected by vertical curves substantially as shown upon the plan.

6. Embankments on all highways shall be graded to a minimum top width of 24 feet and cuts to a minimum width of 26 feet between exterior ditch lines. Sufficient grading shall also be performed to provide a curved connection on the north side of the tracks between Belle Isle road and the county highway on a radius of 50 feet.

7. On all new and re-located highways and roads there shall be laid pavements of waterbound macadam. On the county highway and on the Milton Avenue connection these pavements shall be 16 feet wide, and on the Belle Isle road 12 feet wide: such pavements, the construction and pavement of gutters, and any and all other details, shall be in accordance with standard construction adopted for highways of similar character by the highway authorities of Onondaga County.

8. A masonry stairway, built either in the wing of the southerly abutment or at such point as may be subsequently agreed upon by the respective parties and as approved by this Commission, shall be provided.

9. Railings on all embankments wherever their height exceeds 4 feet shall be installed, and so located that the distance from inside to inside of posts shall be not less than 21 feet.

10. As shown upon the plan, the connection between the surfaces of the existing and re-located county highways shall be built upon the south side of the track on a continuation of the new Milton Avenue connection.

11. Unless otherwise ordered by this Commission, the existing grade crossing shall remain open until the completion of the work herein ordered and

approval thereof by the Commission, after which it shall be closed by the erection of fences along a continuation of the right of way lines of the railroad.

12. In pursuance of the agreement between the railroad corporation and the County of Onondaga as set forth in the petition the cost of the work as herein provided and described is to be borne as follows:

The County of Onondaga shall assume, pay, and discharge the cost of all damages to affected property owners, and of the acquiring of all rights, title, and interest in the lands required for the re-location of the existing and new highways, and of the construction of all such highways, including the grading, paving, and railings, and the pavement on the bridge, and any and all other costs necessary or required to complete the work in accordance with this order, exterior to the right of way lines of the railroad, except as hereinafter provided.

The New York Central Railroad Company shall at its own cost and expense construct the bridge and its supporting abutments (located exterior to its right of way lines), make all necessary changes in its telegraph line, and perform any and all other work upon its right of way necessary to carry out the work herein provided for.

It is understood, and this determination is made upon the express understanding, that as provided in the aforesaid agreement The New York Central Railroad Company shall pay to the treasurer of Onondaga County the sum of \$2000 for the construction and improvement of the Milton Avenue approach.

[Case No. 5881]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the SCHENECTADY RAILWAY COMPANY'S proposed new passenger fares and charges, and regulations and practices affecting such fares and charges.

Third
suspension
order.

The Commission by order dated January 25, 1917, entered upon an investigation concerning the propriety of the proposed fares, charges, regulations, and practices stated in passenger tariff designated as follows: "Schenectady Railway Company, local passenger tariff, supplement No. 8 to P. S. C., 2 N. Y., No. 19"; and pending hearing and decision thereon ordered that said tariff publication be suspended, and the use of the fares, charges, regulations, and practices be deferred until the 15th day of April, 1917; and subsequently, by order dated April 12, 1917, further suspended said tariff publication and deferred the use of the fares, charges, regulations, and practices until the 15th day of June, 1917; and it now appearing that such investigation can not be concluded within the period of suspension, it is

Ordered: 1. That the said designated tariff publication of the Schenectady Railway Company be and hereby is further suspended, and that the use of the fares, charges, regulations, and practices be and is further deferred until the 15th day of August, 1917.

2. That a copy of this order be filed with said tariff supplement in the office of this Commission, and that a copy hereof be forthwith served upon the respondent to this proceeding.

3. That the said Schenectady Railway Company, respondent, shall immediately upon receipt of this order publish and file with the Commission proper tariff amendment containing notice of this order of suspension, stating that said tariff supplement is further suspended, and that the schedules contained may not be applied or charged until further notice, or until August 15, 1917, referring by proper P. S. C., 2 N. Y., number to the tariff in which fares, charges, regulations, and practices applying during the period of suspension may be found. The title-page of said tariff amendment shall show date of issue and bear notation "Issued under order of the Public Service Commission, Second District, State of New York, of date June 14, 1917, in case No. 5881".

[Case No. 5966]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the SCHENECTADY RAILWAY COMPANY'S proposed discontinuance of round-trip fares applying in both directions between Group 1 and Group 4 stations and stops on Troy division.

Second
suspension
order.

The Commission by order dated April 12, 1917, entered upon a hearing concerning the propriety of the proposed regulation eliminating all round-trip fares applying in both directions between Group 1 and Group 4 stations and stops on Troy Division, as contained in tariff designated as follows: "Schenectady Railway Company, local passenger tariff, supplement No. 10 to P. S. C., 2 N. Y., No. 19"; and pending hearing and decision thereon ordered that said tariff publication be suspended, and the use of the regulation eliminating all round-trip fares applying in both directions between Group 1 and Group 4 stations and stops on Troy division therein stated be deferred until the 15th day of June, 1917; and it now appearing that such investigation can not be concluded within the period of suspension, it is

Ordered: 1. That the said designated tariff publication of the Schenectady Railway Company be and hereby is further suspended, and that the use of the regulation eliminating all round-trip fares applying in both directions between Group 1 and Group 4 stations and stops on Troy division be and hereby is further deferred until the 15th day of August, 1917.

2. That a copy of this order be filed with said tariff supplement in the office of this Commission, and that a copy hereof be forthwith served upon the respondent to this proceeding.

3. That the said Schenectady Railway Company, respondent, shall immediately upon receipt of this order publish and file with the Commission proper tariff amendment containing notice of this order of suspension, stating that said tariff supplement is further suspended, and that the regulation eliminating all round-trip fares as hereinbefore specified may not be applied until further notice, or until August 15, 1917, referring by proper P. S. C., 2 N. Y., number to the tariff in which such round-trip fares applying during the period of further suspension may be found. The title-page of said tariff amendment shall show date of issue and bear notation "Issued under order of the Public Service Commission, Second District, State of New York, of date June 14, 1917, in case No. 5966".

[Case No. 6013]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the BUFFALO CREEK RAILROAD (Erie Railroad Company and Lehigh Valley Railroad Company, Lessees) proposed new switching charges at Buffalo, New York.

It appearing that by order dated the 10th day of May, 1917, this Commission entered upon a hearing concerning the propriety of the proposed rates or charges and regulations and practices stated in the schedules enumerated and described in said order, and ordered that the operation of said schedules be suspended until the 20th day of June, 1917; and it further appearing that according to the record at hearing held in Buffalo, New York, on Friday, June 8, 1917, Mr. Frank E. Williamson, traffic manager, representing protestant, Buffalo Chamber of Commerce, Buffalo, New York, upon whose complaint respondent's tariff was suspended, stipulated that an agreement as to the matter complained of had been reached with the respondent carrier's general manager, Mr. C. A. Brunn, and of record concurred in by said general manager, substantially to the effect that the protestant would withdraw its protest against all the rates and charges proposed in respondent carrier's tariff under suspension provided the respondent carrier continue in force until July 1, 1917, its present effective tariff, and that on and after such date the rates and charges of respondent carrier to be the same as those set forth in respondent carrier's tariff under suspension except that the charge for handling of privately owned cars loaded (fully or partially) between private or other tracks on the Buffalo Creek railroad be three dollars per car instead of five dollars per car as proposed. Therefore it is

Ordered: 1. That the carrier respondent herein be and it is hereby notified and required to cancel said schedules on or before June 19, 1917, and that this proceeding be thereupon discontinued.

2. That the carrier respondent herein be and it is hereby authorized to file, effective July 1, 1917, on not less than three days' notice to the public and the Commission, a local freight tariff of switching charges at Buffalo, New York, as canceling its tariff P. S. C., 2 N. Y., No. 9, and establish therein the rates and charges in accordance with stipulation of record in hearing held at Buffalo, New York, June 8, 1917.

This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any rates or charges that may be filed under this authority, all such rates or charges being subject to protest, suspension, complaint, investigation, and correction if in conflict with any of the provisions of the laws of the State of New York.

[Case No. 5510]

STATE OF NEW YORK.
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the hearing before both Commissions as to the regulations, practices, and service of THE LONG ISLAND RAILROAD COMPANY with respect to train crews on all trains operated by electricity as a motive power in the transportation of passengers.

First District case No. 2016. Order after rehearing.

A hearing and rehearing having been duly had by and before the Commissions in the above entitled matter; and the Commissions being of the opinion from a careful consideration of the evidence, including that presented on the rehearing, that certain regulations and practices of The Long Island Railroad Company upon the various lines of railroad operated by said company with electricity as a motive power in respect to the transportation of passengers within the State are unsafe, improper, and inadequate, and that changes in such regulations and practices in the particulars following ought reasonably to be made in order that the service of said company shall be safe, proper, and adequate; and the Commissions having determined also that all passenger cars used in multiple unit trains operated on said lines of railroad within the State should be equipped as hereinafter provided, in order to promote the security and convenience of the public, and in order to secure adequate service and facilities for the transportation of passengers; and it appearing to both Commissions that in respect of the above mentioned subject matter separate jurisdiction has not been conferred and that the determination herein should be by joint order;

Ordered: 1. That all passenger cars now or hereafter used and operated in multiple unit trains by The Long Island Railroad Company shall be equipped with vestibule doors or platform gates, and with trap-doors which when lowered shall properly cover the steps thereunder, and be at a level with the remainder of the car platform.

2. That trap-doors shall be kept lowered at all times, except at or between any consecutive stations at which the station platforms are approximately at the level of the rails; that no gates, vestibule doors, or trap-doors shall be opened until the train has come to a full stop at a station; that all gates, vestibule doors, and trap-doors shall be closed before a train is started from any station at which such closing of gates, vestibule doors, or trap-doors is herein required.

3. That on the following multiple unit trains operated by The Long Island Railroad Company there shall be an employee stationed between each two adjoining passenger cars, who shall open and close the platform gates or vestibule doors on the station platform side of the train at each high station platform, and open and close said platform gates or vestibule doors and trap-doors on the station platform side of the train at such stations at which the station platform is approximately at the level of the rails except as hereinbefore provided in subdivision 2 hereof; that no gates, vestibule doors, or trap-doors on such trains shall be opened on other than the station platform side of said trains; that no gates, vestibule doors, or trap-doors on such trains shall be, or shall be permitted to be, opened or closed by any person other than an employee of the company authorized so to do: (a) All trains from Flatbush avenue to Rockaway Park; (b) all express and local trains from Flatbush avenue to Jamaica, and to Union Hall Street station, irrespective of destination; (c) all trains from Pennsylvania Station to Whitestone

Landing; (d) all trains from Pennsylvania Station (over the Port Washington branch) to Broadway, Flushing; (e) all trains from Pennsylvania Station to Jamaica and to Union Hall Street station, irrespective of their destination.

4. That on multiple unit trains operated by The Long Island Railroad Company, except as hereinabove provided in paragraph 3, there shall be stationed a sufficient number of employees between adjoining passenger cars who shall open and close the platform gates or vestibule doors on the station platform side of the train at each high station platform, and open and close said platform gates or vestibule doors and trap-doors on the station platform side of the train at such stations at which the station platform is approximately at the level of the rails, except as hereinbefore provided in subdivision 2 hereof, so that no passenger on such train shall be required to walk more than the length of the car in which such passenger is riding to reach the car platform on which an employee is stationed, in order that each and every car shall have at least one opening accessible for boarding or as an exit in so far as station platform facilities permit alighting and boarding; that no gates, vestibule doors, or trap-doors on such trains shall be opened on other than the station platform side of said trains; that no gates or vestibule doors or trap-doors on such trains shall be, or shall be permitted to be, opened or closed by any person other than an employee of the company authorized so to do.

5. That said company shall make and enforce proper rules to make this order effective.

6. That this order shall take effect on July 1, 1917, and shall continue in force until changed or abrogated by further order of the Commissions.

7. That this order shall supersede and take the place of the original order herein adopted by both Commissions on or about April 20, 1916, and the order herein adopted by the Public Service Commission for the Second District on or about April 26, 1917.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Ordered: That a fourth intermediate accounting and settlement of expenses incurred by the Erie Railroad Company, the City of Jamestown, and the State of New York on account of the work now in course of execution under order of this Commission in the above entitled matter be entered into by the interested parties, said accounting to include expenditures to June 15, 1917.

440 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 3778]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of the Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

Ordered: 1. That the second intermediate settlement entered into by The New York Central Railroad Company with the City of Ogdensburg, showing expenditures to the amount of \$14,361.24 properly and necessarily incurred to May 1, 1917, in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$14,353.74 has been expended by the railroad corporation, and the sum of \$7.50 has been expended by the city; said settlement having been accepted by the railroad corporation as indicated by the signature of its treasurer, and by the City of Ogdensburg as indicated by the signature of its mayor.

2. That of the total amount of \$14,361.24 thus expended and herein accounted for, the share of and the amount chargeable to the State of New York is the sum of \$3590.31, which is now due from and properly payable by the State to The New York Central Railroad Company; and the share of the City of Ogdensburg is the sum of \$3590.31, upon which it is entitled to a credit of \$7.50 expended by it as aforesaid, leaving as a balance the sum of \$3582.81 now due and payable by said City of Ogdensburg to The New York Central Railroad Company.

[Case No. 5438]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ERIE RAILROAD COMPANY under section 91 of the Railroad Law for the closing and discontinuance of two highway grade crossings of its railroad in the town of Canisteo, Steuben county, the travel thereon to be diverted therefrom to an existing overgrade crossing of the railroad.

The Erie Railroad Company having submitted a bid received for the grading and dressing necessary to be performed for the construction of a new highway in accordance with the Commission's determination in the above entitled matter, and requested this Commission to approve said proposal in the lump sum of \$1550, said sum being substantially identical with an amount included in the Commission's estimate covering the corresponding work, it is

Ordered: That the lump sum bid submitted by O. A. Cornell of \$1550 for the grading and dressing be and it is hereby approved.

[Cases Nos. 5751, 5769]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the LOCKPORT GAS AND ELECTRIC LIGHT COMPANY under subdivision 3, section 61, Transportation Corporations Law, that it may merge with itself the Lockport Light, Heat and Power Company under section 15, Stock Corporation Law.

In the matter of the Petition of the LOCKPORT LIGHT, HEAT AND POWER COMPANY under sections 69 and 82, Public Service Commissions Law, for authority to issue \$400,000 capital stock, common and preferred.

Petitions filed October 28 and November 3, 1916; reports of division of capitalization dated February 9 and March 1, 1917; hearings held April 4 and May 24, 1917; report of division of light, heat, and power dated March 6, 1917; final report of division of capitalization dated May 29, 1917; supplemental petition filed June 12, 1917, in case No. 5751. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Lockport Gas and Electric Light Company is hereby permitted to merge the Lockport Light, Heat and Power Company; and consent is hereby given to the exercise thereafter by the Lockport Gas and Electric Light Company of all the rights, privileges, and franchises of the Lockport Light, Heat and Power Company; and within thirty days after such merger shall have become effective the merging corporation, which upon the merger herein authorized proposes to change its name to Lockport Light, Heat and Power Company, and which is hereinafter referred to as the Lockport company, shall file with this Commission a certified copy of the certificate of merger.

2. That the Lockport company is hereby authorized to issue \$300,000 face value of its two-year 6 per cent gold notes.

3. That the Lockport company is hereby authorized to issue \$50,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least \$50,000.

4. That the said notes of the total face value of \$300,000 may be sold for not less than 97 per cent of their face value and accrued interest to give net proceeds of at least \$291,000.

5. That said notes and common stock of the face and par value of \$350,000 so authorized, or the proceeds thereof to the amount of \$341,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of the following obligations outstanding at December 31, 1916, or the renewals thereof, to be assumed by the Lockport company upon the merger of the Lockport, Light, Heat and Power Company:

Bills payable	\$300,000.00
Accounts payable	34,756.40

\$334,756.40

(b) For working capital, provided that such working capital shall not be disbursed by the company for purposes properly chargeable to income but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.....

\$1,531.61

\$336,288.01

440 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 3778]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of the Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

Ordered: 1. That the second intermediate settlement entered into by The New York Central Railroad Company with the City of Ogdensburg, showing expenditures to the amount of \$14,361.24 properly and necessarily incurred to May 1, 1917, in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$14,353.74 has been expended by the railroad corporation, and the sum of \$7.50 has been expended by the city; said settlement having been accepted by the railroad corporation as indicated by the signature of its treasurer, and by the City of Ogdensburg as indicated by the signature of its mayor.

2. That of the total amount of \$14,361.24 thus expended and herein accounted for, the share of and the amount chargeable to the State of New York is the sum of \$3590.31, which is now due from and properly payable by the State to The New York Central Railroad Company; and the share of the City of Ogdensburg is the sum of \$3590.31, upon which it is entitled to a credit of \$7.50 expended by it as aforesaid, leaving as a balance the sum of \$3582.81 now due and payable by said City of Ogdensburg to The New York Central Railroad Company.

[Case No. 5438]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ERIE RAILROAD COMPANY under section 91 of the Railroad Law for the closing and discontinuance of two highway grade crossings of its railroad in the town of Canisteo, Steuben county, the travel thereon to be diverted therefrom to an existing overgrade crossing of the railroad.

The Erie Railroad Company having submitted a bid received for the grading and dressing necessary to be performed for the construction of a new highway in accordance with the Commission's determination in the above entitled matter, and requested this Commission to approve said proposal in the lump sum of \$1550, said sum being substantially identical with an amount included in the Commission's estimate covering the corresponding work, it is

Ordered: That the lump sum bid submitted by O. A. Cornell of \$1550 for the grading and dressing be and it is hereby approved.

[Cases Nos. 5751, 5769]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the LOCKPORT GAS AND ELECTRIC LIGHT COMPANY under subdivision 3, section 61, Transportation Corporations Law, that it may merge with itself the Lockport Light, Heat and Power Company under section 15, Stock Corporation Law.

In the matter of the Petition of the LOCKPORT LIGHT, HEAT AND POWER COMPANY under sections 69 and 82, Public Service Commissions Law, for authority to issue \$400,000 capital stock, common and preferred.

Petitions filed October 28 and November 3, 1916; reports of division of capitalization dated February 9 and March 1, 1917; hearings held April 4 and May 24, 1917; report of division of light, heat, and power dated March 6, 1917; final report of division of capitalization dated May 29, 1917; supplemental petition filed June 12, 1917, in case No. 5751. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Lockport Gas and Electric Light Company is hereby permitted to merge the Lockport Light, Heat and Power Company; and consent is hereby given to the exercise thereafter by the Lockport Gas and Electric Light Company of all the rights, privileges, and franchises of the Lockport Light, Heat and Power Company; and within thirty days after such merger shall have become effective the merging corporation, which upon the merger herein authorized proposes to change its name to Lockport Light, Heat and Power Company, and which is hereinafter referred to as the Lockport company, shall file with this Commission a certified copy of the certificate of merger.

2. That the Lockport company is hereby authorized to issue \$300,000 face value of its two-year 6 per cent gold notes.

3. That the Lockport company is hereby authorized to issue \$50,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least \$50,000.

4. That the said notes of the total face value of \$300,000 may be sold for not less than 97 per cent of their face value and accrued interest to give net proceeds of at least \$291,000.

5. That said notes and common stock of the face and par value of \$350,000 so authorized, or the proceeds thereof to the amount of \$341,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of the following obligations outstanding at December 31, 1916, or the renewals thereof, to be assumed by the Lockport company upon the merger of the Lockport, Light, Heat and Power Company:

Bills payable	\$300,000.00
Accounts payable	34,756.40

\$334,756.40

(b) For working capital, provided that such working capital shall not be disbursed by the company for purposes properly chargeable to income but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.....

31,531.61

\$366,288.01

6. That the Lockport company is hereby authorized to issue \$250,000 par value of its 7 per cent cumulative preferred capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least \$250,000.

7. That said preferred stock to the par value of \$250,000 so authorized, or the proceeds thereof to the amount of \$250,000, shall be used solely and exclusively toward the liquidation of the \$300,000 face value of two-year 6 per cent gold notes herein authorized, provided that if the notes herein authorized shall not be issued, the proceeds of this preferred stock shall be applied toward the funding of the liabilities for which the proceeds of such notes are herein authorized; provided further, that the Lockport company may pay for commissions, underwriting, and expenses in connection with the sale of the preferred stock herein authorized at not to exceed the rate of 5 per cent of the par of the preferred stock sold to others than the stockholder or stockholders of the issuing corporation for such expenses, which expenditures shall be charged to a suspense account to be amortized within five years by equal annual charges to the account "Contractual Deductions from Income"; provided that the company may amortize the said sum more rapidly than herein provided by crediting the said suspense account and debiting the account "Corporate Surplus" with the excess so credited over the amount required herein.

8. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by the Lockport company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Lockport company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what stocks and notes have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sales or dispositions; (c) to whom such stocks and notes were sold; (d) what proceeds were realized from such sales; (e) any other terms and conditions of such sales; (f) in detail the amount expended during such period of the proceeds of the stocks and notes herein authorized for each of the purposes specified herein, and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which such expenditures have been charged. Such reports shall continue to be filed until all of said stocks and notes shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stocks or notes were sold or disposed of or proceeds expended the report shall set forth such fact.

10. That the Lockport company is hereby authorized to sell \$300,000 par value of its capital stock, consisting of \$50,000 of common and \$250,000 of 7 per cent cumulative preferred stock, herein authorized to be issued, to the United Gas and Electric Company (of New Jersey), which corporation now owns all the outstanding stock of the Lockport Gas and Electric Light Company, and it is hereby authorized to acquire such stock of the Lockport company herein authorized to be issued or any part thereof.

11. That the merger of the Lockport Gas and Electric Light Company and Lockport Light, Heat and Power Company shall be recorded upon the books of the merged company by the transfer thereto of the balances in the accounts of these companies as corrected by the journal entries hereinafter required to be made, except as the same may be modified by any subsequent duly authorized business transactions of the aforesaid corporations to the date of the transfer of the accounts.

12. That within sixty days after the merger herein authorized complete statements shall be filed with the Commission duly certified by the respective secretaries or other executive officers, including (a) details of the changes in the accounts of the Lockport Light, Heat and Power Company in so far as they record the changes in its property, assets, and liabilities from June 30, 1916, to the date of the transfer of its accounts to the Lockport company;

(b) detailed balance sheet of the Lockport Light, Heat and Power Company as of the date of the transfer of its accounts to the Lockport company; (c) particulars of the entries made upon the books of the Lockport company recording the merger herein authorized; (d) detailed balance sheet of the Lockport company as of such date.

13. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated May 29, 1917, shall be entered upon the books of the Lockport Gas and Electric Light Company and Lockport Light, Heat and Power Company, and that within thirty days of the service of this order verified proof shall be submitted to the Commission that such entries have been made.

14. It is nevertheless expressly provided that in all respects other than as directed in clause No. 13 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the Lockport company, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of clause No. 13 of this order shall have been made, reported to, and approved as sufficient by this Commission; and until the further recommendations contained in said final report have been accepted by the petitioners and notice to that effect, over the signatures of their respective secretaries, shall have been submitted to the Commission.

15. That the authority contained in this order to issue securities is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said companies shall file with the Commission satisfactory, verified stipulations over the signatures of their presidents and secretaries accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except the use herein authorized of proceeds of the two-year 6 per cent gold notes to the amount of \$66,288.01.

Van Santvoord, Chairman, dissenting.

[Case No. 5941]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint under section 71, Public Service Commissions Law, of CUSTOMERS OR PURCHASERS OF GAS IN THE TOWN OF HARRISON, Westchester county, *against* WESTCHESTER LIGHTING COMPANY, asking that the price of gas for illuminating purposes and for fuel purposes be reduced.

Complaint filed March 15, 1917; answer filed May 14, 1917; hearing held at the office of the Commission in the city of New York on June 9, 1917. Appearances: Edward M. Langen, president of the Harrison Improvement Association, for complainants; John J. Crennan for respondents. The complaint in this case alleges that the rates for fuel gas and for illuminating

gas in the town of Harrison, Westchester county, New York, are unjust and excessive, and the Commission is urged to reduce the rates for gas for both classes of service to \$1 per thousand cubic feet. At the hearing, the representative of the complainants stated that since the complaint was filed the matter had been given further consideration, and that it was considered inadvisable perhaps to proceed with this matter at the present time in view of the existing conditions and the increased expenses to which the respondent is subjected on that account. It was also stated that the principal cause for complaint was the practice of the company of charging different rates for gas used for different purposes, and that it was desired to have one rate for gas whether used for lighting or fuel purposes. On the hearing, the suggestion was made that when conditions again return to normal it might be desirable for the complainants and the representatives of respondent to confer for the purpose of endeavoring to arrive at some reasonable adjustment of the existing situation. As a result of this suggestion, and since the hearing, the Commission has been notified by the secretary of the Harrison Improvement Association that at a meeting of the members of the Association it was voted to drop the complaint against the respondent. Under the circumstances, it is proper that the complaint be dismissed. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 5970]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of MURRAY ELECTRIC LIGHT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct in the incorporated village of Centerville Station, Sullivan county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received from said village.

Petition filed April 3, 1917; affidavits of publication of notice of hearing filed April 21, 1917; hearing held at the office of the Commission in the city of New York May 11, 1917. Appearances: John D. Lyons for the petitioner; Isadore Rothenberg, village clerk, for the Village of Centerville Station. The petitioner makes application under section 68 of the Public Service Commissions Law for permission to exercise a franchise granted to it by the Village of Centerville Station, Sullivan county, on November 27, 1915. Pursuant to the franchise granted by the village, the petitioner has erected some of its poles and attachments for its service lines in the village, and is ready to exercise said franchise and perform its obligations thereunder as soon as permission and approval have been given by this Commission. Some delay has occurred on the part of the company in proceeding with this application and in making the necessary preparations to light the streets of the village, but the petitioner claims that this is due solely to its inability to obtain the necessary material. It was stated at the hearing that every effort would be made to have the street lights in operation by the 10th day of June, but that

owing to the difficulty in getting copper wire it might be impossible to begin the service by that time. No objections have been made against the granting of this application, and the village clerk stated that the residents of the village were anxious to have the lighting service at the earliest possible date. The Commission having determined that public convenience and necessity require the exercise by the Murray Electric Light and Power Company of the franchise granted by the village of Centerville Station on November 27, 1915, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Murray Electric Light and Power Company to construct, maintain, and operate an electric plant in the village of Centerville Station, Sullivan county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the village authorities of the Village of Centerville Station on November 27, 1915, subject to all the terms and conditions therein set forth.

2. The approval of said franchise is not a determination, nor does it imply a determination, that the rates mentioned therein are just or reasonable or that they are not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York.

[Case No. 6015]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

In the matter of the Petition of HORNELL TRACTION COMPANY under section 184 of the Railroad Law for approval of declaration of abandonment of a portion of its constructed route in the incorporated village of Canisteo.

This is an application under section 184 for the approval by the Commission of a certificate of abandonment of eleven hundred and thirty (1130) feet of the respondent's route in the village of Canisteo, beginning at a point one hundred and one (101) feet north of the north line of Main street in Depot street, and extending said distance of eleven hundred and thirty (1130) feet in Depot street. The Hornell Traction Company operates a system of electric street railroad in the city of Hornell, and one of its lines extends through public highways to the village of Canisteo and through streets of that village. The business center of the city may be taken as the corner of Main and Depot streets. The line has heretofore extended about twelve hundred and thirty (1230) feet along Depot street north of Main street. The declaration of abandonment covers the Depot Street route with the exception of one hundred and one (101) feet immediately north of Main street, which it is proposed to make the terminus of the line. A hearing was held in the city of Hornell June 1, 1917, at which a considerable number appeared in opposition to the proposed abandonment. The village is now engaged in paving Depot street, and it has approved of the proposed abandonment because of a contract made between it and the traction company whereby the traction company agrees to pay the cost of paving nine feet in the center of said street from the new terminus to the old. Efforts were made at the hearing to introduce evidence for the purpose of showing that the arrangement of the village

was the result of misrepresentations or mistake, but such evidence was excluded as involving issues beyond the authority of the Commission to consider. The line is essentially an interurban line and renders practically no intra-village service. The only cars operated are those running between Hornell and Canisteo, and there is evidence that conductors on outgoing cars do not collect fares until the cars have passed the village limits. Under the proposed arrangement passengers will be landed at the business center. The sitting Commissioner visited Canisteo, and was convinced by observation that only a small proportion of the residents of the village live near that part of the line which it is proposed to abandon. A large proportion of these live near the southern part of Depot street, and will have to walk only a short distance farther if the line is abandoned. There is a group of dwellings north of the Erie Railroad track, and their occupants will have to walk eleven hundred and thirty (1130) feet farther, or about twice as far as they now have to walk. Evidence submitted by the company tends to show that the average number of passengers riding on cars north of Depot street is less than one. The company has not been prosperous. Its revenues have apparently been insufficient to yield a return to its stockholders. In connection with the paving, it would be necessary to construct an entirely new track at an expense of over \$6000. The maintenance of this portion of the route is certainly no longer necessary for the successful operation of the system; and while it would be a certain convenience to comparatively few people, it can not be considered necessary for the convenience of the public. It is therefore

Ordered: 1. That the Commission approves the declaration of abandonment by the Hornell Traction Company, approved by its stockholders, and a copy whereof is attached to the petition therein, of that portion of its route located on Depot street in the village of Canisteo eleven hundred and thirty (1130) feet in length, extending from a point one hundred and one (101) feet north of the north bounds of Main street in said village.

2. That the Secretary of the Commission be directed to indorse such approval upon said certificate as provided by section 184 of the Railroad Law.

[Case No. 6021]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 54, Railroad Law, for consent to the discontinuance of its Diana passenger station, on the Carthage and Adirondack branch.

The New York Central Railroad Company asks permission to discontinue its station at Diana, on its Carthage and Adirondack branch, in so far as such station is a passenger station. A hearing was held in Utica June 11, 1917, at which there were no appearances except on behalf of the applicant; but a remonstrance has been filed signed by thirty-three persons. No one present at the hearing was able to give information as to where these persons live or as to their use of the station, but the similarity of surnames in many cases indicates that the signers represent only a few families. Diana is not an agency station. There is no station building or shelter, and it is merely a flag stop for two trains each way daily. It is not reached by any highway but merely by a path across a field. The evidence as to the number

of passengers is rather meager. From October 25 to November 3, 1916, ten passengers left the trains and nine boarded them. For ten days ending March 19, 1917, nine passengers left the trains and six boarded them. In May, six tickets to Diana were sold at Harrisville, four at Natural Bridge, and one at Carthage. In June, three tickets were sold at Harrisville, and none at Diana or Carthage. The St. Lawrence Talc Company has a siding about 1.66 miles west of the Diana station. It is building a number of houses at that point to accommodate its workmen, and the railroad company proposes to establish a passenger station at this point. There is also a flag stop at Fitzgerald, 1.11 miles east of Diana. It would seem that the proposed new station will be a much greater public convenience than the Diana station, and that the maintenance of three stations in a distance of less than three miles in this very sparsely settled region is unnecessary. The only freight business at Diana consists in the hauling out of logs. This will be continued. It is therefore

Ordered: 1. That the consent of this Commission be and the same hereby is given to The New York Central Railroad Company to discontinue its Diana station on its Carthage and Adirondack branch as a passenger station.

2. That authority is given for the cancellation of all passenger tariffs applicable to its said Diana station.

3. That this order shall become effective only upon the establishment of a new passenger station near the plant of the St. Lawrence Talc Company, and approximately 1.66 miles west of Diana station, and the filing and publication of passenger tariffs applicable thereto: it being the purpose of this order that the establishment of the new station and the abandonment of the Diana station shall be concurrent.

[Case No. 6026]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

Petition of THE LEHIGH VALLEY RAIL WAY COMPANY under section 89, Railroad Law, and section 53, Public Service Commissions Law, as to an additional track of its railway crossing highways in the town and in the incorporated village of Caledonia, Livingston county.

A petition under section 89, Railroad Law, and section 53, Public Service Commissions Law, having been filed with this Commission by The Lehigh Valley Rail Way Company (leased to and operated by the Lehigh Valley Railroad Company) for a determination of how an additional track of its railway, proposed to be constructed on the north side of existing tracks of its railway, shall cross highways hereinafter named, at points hereinafter named (two tracks now existing at the grades hereinafter named, except that at Baker's crossing there are now three); and for permission to exercise franchises or rights obtained from the Supreme Court under section 21, Railroad Law, permitting such crossings; and a public hearing on said petition, after due notice, having been held in the city of Albany on June 6, 1917, at which Kenefick, Cooke, Mitchell and Bass appeared for the petitioner; Joseph Donnelly appeared for the State Highway Commission; and no one else appeared; at which hearing L. P. Rossiter, a division engineer of the petitioner, testified that it would be impracticable for the new track to cross the highways other-

wise than as hereinafter named; and it appearing from the papers and testimony at the hearing that the exercise of the franchises or rights obtained from the Supreme Court is necessary and convenient for the public service, and this Commission hereby so determining, it is

Ordered: 1. That this Commission hereby determines, under section 89, Railroad Law, that it would be impracticable for said additional track of the Lehigh Valley railway, proposed to be laid, to cross otherwise than at grade the highways hereinafter named, except where a method of crossing otherwise than at grade is hereinafter named, and in such cases this Commission hereby determines that the crossing shall be above the grade of the highways (as the existing tracks now are) as hereinafter named, to wit: Town of Caledonia: at grade, Baker's crossing, located .51 mile west of Maxwell's; at grade, Menzie's crossing, located 2.38 miles east of Caledonia; at grade, Guthrie's road, located 1.19 miles east of Caledonia. Village of Caledonia: railroad above grade of the highway (Spring street) located .34 mile west of Caledonia; railroad above grade of North street.

2. That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves the exercise by The Lehigh Valley Rail Way Company of the franchises or rights granted by an order of the Supreme Court dated June 9, 1917 (copy of which order certified to be a true copy by the clerk of Livingston County is filed with the papers in this case), to lay at grade or above grade as indicated herein in order No. 1 an additional track of its railway, on the north side of existing tracks of its railway, across the highways named herein in order No. 1.

3. That all of the expense incurred in connection with the building and maintaining of said additional track at said crossings shall be borne by The Lehigh Valley Rail Way Company.

4. That at the points where the said additional track will cross the highways at grade the highway at the point of crossing and including the tracks already laid shall be kept in the condition required by section 21, Railroad Law.

5. Whenever the grade of the railway and highway shall be separated at any of the grade crossings covered by this order, The Lehigh Valley Rail Way Company, or its successor, shall bear all the expense which may be incurred for additional work, land, or damages made necessary, due to, or caused by the construction, maintenance, and operation of the additional track covered by the provisions of this order. No part of such expense shall be charged to or paid by the State of New York or the municipality in which the grade separation is made.

The said railway company shall notify this Commission in writing, within ten days from the date of this order, whether it accepts the same and will comply with the terms thereof in all respects; and said company shall, within sixty days after the acceptance of the order, file with the Commission a stipulation duly executed by its officers thereunto, duly authorized by the board of directors of the corporation, obligating it to assume the expenses incident to the separation of grades as hereinbefore set forth.

[Case No. 6027]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE LEHIGH VALLEY RAIL WAY COMPANY under sections 89, Railroad Law, and 53, Public Service Commissions Law, as to an additional track of its railway crossing highways in the towns of Alden and Lancaster and the incorporated village of Lancaster, Erie county.

A petition under section 89, Railroad Law, and section 53, Public Service Commissions Law, having been filed with this Commission by The Lehigh Valley Rail Way Company (leased to and operated by the Lehigh Valley Railroad Company) for a determination of how an additional track of its railway, proposed to be constructed on the south side of existing tracks of its railway, shall cross highways hereinafter named, at points hereinafter named (two tracks now existing at the grades hereinafter named, except at the Ransom Road crossing where there are now four), and for permission to exercise franchises or rights obtained from the Supreme Court under section 21, Railroad Law, permitting such crossings; and a public hearing on said petition, after due notice, having been held in the city of Albany on June 6, 1917, at which Kenefick, Cooke, Mitchell and Bass appeared for the petitioner; Joseph Donnelly appeared for the State Highway Commission; and no one else appeared; at which hearing L. P. Rossiter, a division engineer of the petitioner, testified that it would be impracticable for the new track to cross the highways otherwise than as hereinafter named; and it appearing from the papers and testimony at the hearing that the exercise of the franchises or rights obtained from the Supreme Court is necessary and convenient for the public service, and this Commission hereby so determining, it is

Ordered: 1. That this Commission hereby determines, under section 89, Railroad Law, that it would be impracticable for said additional track of the Lehigh Valley railway, proposed to be laid, to cross otherwise than at grade the highways hereinafter named, except where a method of crossing otherwise than at grade is hereinafter named, and in such case this Commission hereby determines that the crossing shall be below the grade of the highway (as the existing tracks now are) as hereinafter named, to wit: Towns of Alden and Lancaster: at grade, the Looneyville Road highway, one mile east of Wyoming, being the dividing line between the towns of Lancaster and Alden; Town of Lancaster: at grade, the Ransom Road highway, .5 mile east of Wyoming; at grade, the Cemetery Road highway, 1.9 miles west of Wyoming; below grade the Winspear road highway: that the highway shall be carried across said track by extending the present bridge carrying the highway over the existing tracks so that it shall properly cross the additional track, and that said extension of the bridge shall be of the same width and general character of the bridge as at present existing; Village of Lancaster: at grade, Central avenue; at grade, Sheldon avenue.

2. That this Commission under section 53, Public Service Commissions Law, hereby permits and approves the exercise by The Lehigh Valley Rail Way Company of the franchises or rights granted by an order of the Supreme Court dated June 12, 1917 (copy of which order certified to be a true copy by the clerk of Erie County is filed with the papers in this case), to lay at grade or below grade as indicated herein in order No. 1 an additional track of its railway, on the south side of existing tracks of its railway, across the highways named herein in order No. 1.

3. That all of the expense incurred in connection with the building and maintaining of said additional track at said crossings shall be borne by The Lehigh Valley Rail Way Company.

4. That at the points where the said additional track will cross the highways at grade the highway at the point of crossing and including the tracks already laid shall be kept in the condition required by section 21, Railroad Law.

5. Whenever the grade of the railway and highway shall be separated at any of the grade crossings covered by this order, The Lehigh Valley Rail Way Company, or its successor, shall bear all the expense which may be incurred for additional work, land, or damages, made necessary, due to, or caused by the construction, maintenance, and operation of the additional track covered by the provisions of this order. No part of such expense shall be charged to or paid by the State of New York or the municipality in which the grade separation is made.

The said railway company shall notify this Commission in writing, within ten days from the date of this order, whether it accepts the same and will comply with the terms thereof in all respects; and said company shall, within sixty days after the acceptance of the order, file with the Commission a stipulation duly executed by its officers thereunto, duly authorized by the board of directors of the corporation, obligating it to assume the expenses incident to the separation of grades as hereinbefore set forth.

[Case No. 6028]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE LEHIGH VALLEY RAIL WAY COMPANY under sections 89, Railroad Law, and 53, Public Service Commissions Law, as to an additional track of its railway crossing highways in the town of Farmington, Ontario county.

A petition under section 89, Railroad Law, and section 53, Public Service Commissions Law, having been filed with this Commission by The Lehigh Valley Rail Way Company (leased to and operated by the Lehigh Valley Railroad Company) for a determination of how an additional track of its railway, proposed to be constructed on the north side of existing tracks of its railway, shall cross highways hereinafter named, at points hereinafter named (two tracks now existing at the grades hereinafter named); and for permission to exercise franchises or rights obtained from the Supreme Court under section 21, Railroad Law, permitting such crossings; and a public hearing on said petition, after due notice, having been held in the city of Albany on June 6, 1917, at which Keneflick, Cooke, Mitchell and Bass appeared for the petitioner; Joseph Donnelly appeared for the State Highway Commission; and P. H. Leahy (by M. N. Clement) appeared for the Town of Farmington; at which hearing L. P. Rossiter, division engineer of the petitioner, testified that it would be impracticable for the new track to cross the highways otherwise than as hereinafter named; and it appearing from the papers and testimony at the hearing that the exercise of the franchises or rights obtained from the Supreme Court is necessary and convenient for the public service, and this Commission hereby so determining, it is

Ordered: 1. That this Commission hereby determines, under section 89, Railroad Law, that it would be impracticable for said additional track of the Lehigh Valley railway, proposed to be laid, to cross otherwise than at grade the highways hereinafter named, except where a method of crossing otherwise than at grade is hereinafter named, and in such case this Commission hereby determines that the crossing shall be below the grade of the highway (as the existing tracks are now) as hereinafter named, to wit: at grade, a highway located 1.62 miles west of Manchester; at grade, a highway located 2.43 miles west of Manchester; at grade, a highway located 1.21 miles east of Farmington; below grade, the Victor Road highway: that the highway shall be carried across said track by extending the present bridge carrying the highway over the existing tracks so that it shall properly cross the additional track, and that said extension of the bridge shall be of the same width and general character of the bridge as at present existing.

2. That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves the exercise by The Lehigh Valley Rail Way Company of the franchises or rights granted by an order of the Supreme Court dated June 2, 1917 (copy of which order certified to be a true copy by the clerk of Ontario County is filed with the papers in this case), to lay at grade or below grade as indicated herein in order No. 1, an additional track of its railway, on the north side of existing tracks of its railway, across the highways named herein in order No. 1.

3. That all of the expense incurred in connection with the building and maintaining of said additional track at said crossings shall be borne by The Lehigh Valley Rail Way Company.

4. That at the points where the said additional track will cross the highways at grade the highway at the point of crossing and including the tracks already laid shall be kept in the condition required by section 21, Railroad Law.

5. Whenever the grade of the railway and highway shall be separated at any of the grade crossings covered by this order, The Lehigh Valley Rail Way Company, or its successor, shall bear all the expense which may be incurred for additional work, land, or damages, made necessary, due to, or caused by the construction, maintenance, and operation of the additional track covered by the provisions of this order. No part of such expense shall be charged to or paid by the State of New York or the municipality in which the grade separation is made.

The said railway company shall notify this Commission in writing within ten days from the date of this order whether it accepts the same and will comply with the terms thereof in all respects; and said company shall, within sixty days after the acceptance of the order, file with the Commission a stipulation duly executed by its officers thereunto, duly authorized by the board of directors of the corporation, obligating it to assume the expenses incident to the separation of grades as hereinbefore set forth.

[Case No. 6029]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK LEVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE LEHIGH VALLEY RAIL WAY COMPANY under sections 89, Railroad Law, and 53, Public Service Commissions Law, as to an additional track of its railway crossing a highway in the town of Darien, Genesee county.

A petition, under section 89, Railroad Law, and section 53, Public Service Commissions Law, having been filed with this Commission by The Lehigh Valley Rail Way Company (leased to and operated by the Lehigh Valley Railroad Company) for a determination of how an additional track of its railway, proposed to be constructed on the south side of existing tracks of its railway, shall cross a highway hereinafter named, at a point hereinafter named (two tracks now existing at this crossing and an overhead bridge now carrying the highway over said tracks); and for permission to exercise a franchise or right obtained from the Supreme Court under section 21, Railroad Law, permitting such crossing, under conditions named in the order of the court; and a public hearing on said petition, after due notice, having been held in the city of Albany on June 6, 1917, at which Keneflick, Cooke, Mitchell and Bass appeared for the petitioner; Joseph Donnelly appeared for the State Highway Commission; and no one else appeared; and it appearing at this hearing, from the testimony of L. P. Rossiter, a division engineer of the petitioner, that two tracks of said railway now constructed at this point are crossed by a bridge carrying the highway over them; and the order of the court providing that during construction of the third track a temporary crossing shall be provided for those desiring to use the highway across the railway, and that the extension of the highway bridge to cover the third track shall be completed and ready for use within three weeks from the date of the order of the court; failure to comply with these conditions authorizing the town authorities to apply to the court for further relief; and it appearing from the papers and testimony at the hearing that the exercise of the franchise or right obtained from the Supreme Court is necessary and convenient for the public service, and this Commission so determining, it is

Ordered: 1. That this Commission hereby determines, under section 89, Railroad Law, that said additional track of The Lehigh Valley Rail Way Company, proposed to be laid, shall cross a highway in the town of Darien, Genesee county, at a point .71 mile east of Longwood below the grade of the highway, and that the highway shall be carried across said track by extending the present bridge carrying the highway over the existing tracks so that it shall properly cross the additional track, and that said extension of the bridge shall be of the same width and general character of the bridge as at present existing.

2. That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves the exercise by The Lehigh Valley Rail Way Company of the franchise or right granted by an order of the Supreme Court dated June 12, 1917 (copy of which certified to be a true copy by the deputy clerk of Genesee County is filed with the papers in this case), to lay an additional track of its railway, on the south side of existing tracks of its railway, across the highway named herein in order No. 1 below the grade of the highway, on the conditions named in said order of the Supreme Court.

3. That all of the expense incurred in connection with the building of said additional track at said crossing, including the said temporary crossing, shall be borne by The Lehigh Valley Rail Way Company.

4. That The Lehigh Valley Rail Way Company shall notify this Commission in writing within ten days from the date of this order whether it accepts the same and will comply with the terms thereof in all respects.

[Case No. 6033]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of ALBANY PERFORATED WRAPPING PAPER COMPANY under section 98, Railroad Law, as to its proposed single sidetrack crossing a track of the United Traction Company, in the lumber district, Albany.

Appearances: Arnold, Bender & Hinman, attorneys, petitioner; Neile F. Towner, attorney, Municipal Gas Company; Lewis E. Carr, attorney, The Delaware and Hudson Company and United Traction Company. A petition under section 98 of the Railroad Law having been filed with this Commission by Albany Perforated Wrapping Paper Company, for a determination of how a single track siding proposed to be constructed by The Delaware and Hudson Company for petitioner, from petitioner's proposed paper mill to a connection with a sidetrack of The Delaware and Hudson Company, shall cross a single track of the United Traction Company (now operated by horses) in the lumber district, in the city of Albany; and a public hearing on said petition, after due notice, having been held in Albany on June 18th; and it appearing that the siding and crossing are to be entirely on land owned by the petitioner or by the Municipal Gas Company; and it appearing that the United Traction Company track in question is to be moved several feet to the east of its present location, the crossing to be of said track when in its new location; and The Delaware and Hudson Company and the United Traction Company having by counsel stated that said companies join in this petition; and this Commission being of the opinion from the papers and evidence at the hearing that this crossing may properly be permitted at grade, it is

Ordered: 1. That this Commission, under section 98 of the Railroad Law, hereby determines that a single track siding proposed to be constructed by The Delaware and Hudson Company for petitioner, from petitioner's proposed paper mill to a connection with an existing sidetrack of The Delaware and Hudson Company, shall cross at grade a single track of the United Traction Company (now operated by horses) in the lumber district, in the city of Albany, which single track of the United Traction Company is to be moved in location several feet east of its present location, the crossing to be of said track when in its new location, as shown on a map filed with the papers in this case and stamped as having been received in this Commission's office May 24, 1917.

2. That the entire expense of making said crossing and of properly maintaining it shall be paid by Albany Perforated Wrapping Paper Company, and that the type of crossing to be constructed shall be subject to the approval of the engineers of The Delaware and Hudson Company and the United Traction Company.

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[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in said city.

Ordered: 1. That the third intermediate accounting entered into by the Erie Railroad Company with the City of Jamestown and this Commission, showing expenditures to the amount of \$26,704.88, exclusive of interest, properly and necessarily incurred between June 1 and October 1, 1916, in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$26,454.83 has been expended by the railroad corporation, the sum of \$245.19 has been expended by the State of New York, and the sum of \$4.86 has been expended by the City of Jamestown; said accounting having been accepted by the railroad corporation as indicated by the signature of its comptroller, and by the City of Jamestown as indicated by the signature of its mayor.

2. That of the total amount of \$26,704.88 thus expended and herein accounted for, the share of and the amount chargeable to the Erie Railroad Company is the sum of \$13,352.44; the share of the City of Jamestown is \$6676.22; and the share of the State of New York is \$6676.22, upon which it is entitled to a credit of \$245.19, expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said Erie Railroad Company from funds appropriated for the elimination of grade crossings the sum of \$6431.03.

3. That the City of Jamestown having expended a sum of \$4.86, the amount now due and payable by said city to the Erie Railroad Company on this third intermediate accounting is \$6671.36.

[Case No. 5948]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of POSTAL TELEGRAPH-CABLE COMPANY *against* HAMMOND LIGHT AND POWER COMPANY, INC., as to alleged danger from manner of construction of the pole and wire line of the last named company.

The Postal Telegraph-Cable Company complained of the Hammond Light and Power Company, that the latter's poles and wires are so constructed in the village of Hammond that they improperly interfere with the poles and wires of the complainant; and asked for an order requiring the Hammond Light and Power Company so to modify its construction as to provide proper

clearance between the wires of the two companies. An inspection was made by the light, heat, and power division of this Commission, resulting in a report recommending that each company make certain changes in its construction in the village of Hammond, and each company has accepted said report and made or agreed to make such changes. The complainant consents under the circumstances that the case be closed. It is therefore

Ordered: That the case be and the same hereby is closed upon the records of the Commission, with leave however to reopen in case the recommendations aforesaid be not complied with or in case conditions in the future warrant such reopening.

[Case No. 5977]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of PERRY ELECTRIC LIGHT COMPANY under section 69, Public Service Commissions Law, for authority to issue \$35,000 in first mortgage 5 per cent gold bonds, \$16,000 in common capital stock, \$154,250 6 per cent notes.

Petition filed April 9, 1917; report of division of light, heat, and power dated June 13, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Perry Electric Light Company is hereby authorized to issue \$35,000 face value of its 5 per cent first mortgage gold bonds under a certain indenture given to the New York Trust Company as trustee, dated September 1, 1914, to secure an authorized issue of a total face value of \$100,000.

2. That said bonds of the total face value of \$35,000 so authorized shall be sold for not less than 85 per cent of their face value and accrued interest to give net proceeds of at least \$29,750.

3. That the Perry Electric Light Company is hereby authorized to issue \$16,000 par value of its common capital stock which shall be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

4. That the Perry Electric Light Company is hereby authorized to issue \$154,250 face value of its 6 per cent promissory notes, payable within a period not to exceed five years from date of issue, which shall be sold at a price not less than the face value thereof to give net proceeds of at least that sum.

5. That said securities of the total face and par value of \$205,250 so authorized, or the proceeds thereof in the amount of \$200,000, shall be used solely and exclusively for the following purposes:

(a) New Perry plant, consisting of brick structure 91 ft. long, 80 ft. wide, approximately 24 ft. to the plate, with steel truss concrete roof, to contain four 300-hp. steel header, 200-lb. 100° superheat water tube boilers, complete with blowers, breeching, 1200-hp. feed water heaters, feed pumps, 1800-hp. brick stack 7 ft. diam. 125 ft. high.

1 300-kw. 2300-v. G. E. 3-phase, 60-cycle, 200-lb. 100° superheat steam turbine, complete with 300-hp. Wheeler surface condenser and auxiliaries, including exciter.

1 1000-kw. G. E. 2300-v. 3-phase, 60-cycle, turbine generator, complete with surface type condenser and auxiliaries.

1 35-kw. steam turbine driven exciter, 600-kva. bank of 13200-v. step-up transformers, complete with electrolytic lightning arresters, choke coils, disconnecting switches, etc.

1 7-panel switchboard, complete with all instruments and connections; all electrical connections between generators, transformers,

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switchboards, and lines, including conduit and hp. steam, exhaust steam, and water piping, completely installed.....	\$132,369.57
(b) Old Perry plant, installation of 75-kva. alternator, belted to a 3-cylinder Westinghouse gas engine, complete with panel, connections, igniter, etc.....	2,832.69
(c) Silver Springs substation, 1 10x15½x30 ft. structural steel selector switching tower, with 16500-v. Burke Horn gap switches, lightning arresters, choke coils, fuses, disconnecting switches, busbars; 150-kva. 13000-v. watthour meter, complete with current and potential transformers; 3 25-kva. 13200-v. step-down power transformers, transformer panel, and all connections.....	3,721.81
(d) 3 10-kva. 13200-v. step-down transformer stations, complete with disconnecting fused switches, and lightning arresters, installed on high-tension lines	900.00
(e) 13 miles No. 4 bare h.d. copper wire, 13200-v. 3-wire, 3-phase high-tension transmission line, complete with crossarms, insulators, pins, top strand and lightning arrester equipment, at \$2400 per mile....	\$1,200.00
(f) 7 miles No. 6 w.p. wire distribution line, at \$1680 per mile....	11,760.00
(g) 200 electric services complete, with transformer capacity and meters, at \$50 each.....	10,000.00
(h) 70 electric street lamps complete, with fixtures and distribution line, at \$40 each.....	2,800.00
(i) Miscellaneous construction	3,000.00
(j) Engineering . . .	1,500.00
	<hr/>
	\$200,084.07

Amount unprovided for..... \$84.07

in so far as the same may be applicable, provided (1) that such securities or the proceeds thereof shall be applied on such new construction summarized in subdivisions (a) to (j) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the par and face value of the securities herein authorized, no portion of the proceeds of such securities herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (3) that the unit prices contained in exhibit 1 of the petition are not intended and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

6. That none of the said bonds or notes herein authorized shall be hypothecated or pledged as collateral by the Perry Electric Light Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

7. That the Perry Electric Light Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the securities herein authorized and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary showing the expenditures during such period by the prescribed accounts. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total

showing such expenditures to the end of the period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5978]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of WARSAW GAS AND ELECTRIC COMPANY under section 69, Public Service Commissions Law, for authority to issue its 6 per cent notes for \$49,592.32.

Petition filed April 9, 1917; report of division of light, heat, and power dated June 13, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Warsaw Gas and Electric Company is hereby authorized to issue \$49,592.32 face value of its 6 per cent promissory notes, payable within a period not to exceed five years from date of issue, which shall be sold at a price not less than the face value thereof to give net proceeds of at least that sum.

2. That said notes of the face value of \$49,592.32 so authorized, or the proceeds thereof to the amount of \$49,592.32, shall be used solely and exclusively for the following purposes:

(a) Plant improvements, including the putting in of 1 150-kw. 3-phase, 60-cycle, 2300-v. belt driven alternator, 1 30-kw. 3-phase, 60-cycle, 2300-v. alternator, with switchboard, air compressor; fire protection equipment; substation equipment, consisting of 1 10x15x25 ft. steel selector switching tower, with 16500-v. Burke Horn Gap type switches, lightning arresters, choke coils, and fuses; 3 75-kva. 18200/2300-v. step-down transformers, with switchboard equipment and all electrical interconnections.....	\$6,492.32
(b) 5 miles No. 6 w.p. distribution line, at \$1680 per mile.....	8,400.00
(c) 100 electric services complete, with transformer capacity and meters, at \$50 each.....	5,000.00
(d) 100 new street lamps complete, with line and regulators, at \$40 each.....	4,000.00
(e) 9 miles No. 4 bare h.d. copper wire, 13200-v. 3-wire, 3-phase, high-tension transmission line, complete with crossarms, insulators, pins, top strand and lightning arrester equipment, at \$2400 per mile...	21,600.00
(f) Miscellaneous construction	3,000.00
(g) 2 10-kva. 18200-v. step-down transformer stations complete, with disconnecting fused switches and lightning arresters installed on high-tension lines	600.00
(h) Engineering	500.00
	\$49,592.32

in so far as the same may be applicable, provided (1) that such notes or the proceeds thereof shall be applied on such new construction summarized in subdivisions (a) to (h) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of

such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Gas and Electrical Corporations adopted by this Commission; (2) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the face value of the notes herein authorized, no portion of the proceeds of the notes herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (3) that the unit prices contained in exhibit 1 of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by this Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform Systems of Accounts for Gas and Electrical Corporations.

3. That if said notes of a total face value of \$49,592.32 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$49,592.32, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

4. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by the Warsaw Gas and Electric Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

5. That the Warsaw Gas and Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what notes have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such notes were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended for each of the purposes specified herein during such period of the proceeds of the notes herein authorized and the account or accounts under the Uniform Systems of Accounts for Gas and Electrical Corporations to which such expenditures have been charged; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary showing the expenditures during such period by the prescribed accounts. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the notes herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period. Such reports shall continue to be filed until all of said notes shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no notes were sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the company shall within thirty days of the service of this order advise this Commission whether or not it accepts same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said notes herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6038]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of WILLIAM J. FARRELL and JOHN ROSE under chapter 867 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto busses in the city of Canandaigua, it being proposed that the route shall also be operated between Canandaigua and the incorporated village of Palmyra, Wayne county.

William J. Farrell and John Rose ask for a certificate of convenience and necessity for the operation of a stage route by auto busses over certain streets in the city of Canandaigua as a part of a route to be operated between Canandaigua and the incorporated village of Palmyra, Wayne county. The consent of the common council of the City of Canandaigua was granted April 28, 1917, subject to certain terms and conditions. A public hearing was held in Rochester June 15, 1917, at which Mr. Fred D. Cribb appeared for the petitioner; and Harris, Beach, Harris & Matson, by Mr. Parker, appeared for the New York State Railways. It was stipulated at said hearing that no passengers would be carried by petitioner from one point to another point within the city of Canandaigua. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by William J. Farrell and John Rose of an auto bus line as provided in the consent heretofore granted by the common council of the City of Canandaigua, a copy whereof is attached to the petition herein, over and upon Main street, South, in said city of Canandaigua; from a point at the foot of Canandaigua Lake to the point on Main street, North, at the intersection of East Gibson street; thence over and upon said East Gibson street to the corporate limits of said city of Canandaigua; to be operated only as a part of a line from the city of Canandaigua to the incorporated village of Palmyra, but not to carry passengers locally from point to point within the city of Canandaigua. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Canandaigua, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. G.C.-381]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law for the elimination of the North Pearl Street and the Van Woert Street grade crossings of its railroad in the city of Albany.

Reference is made to the general order of this Commission under date of July 17, 1915, in case No. 5061, entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered". This Commission having by and under its order duly made and entered in the matter first above entitled, under date of June 12, 1913, determined and directed that certain then existing grade crossings of the New York Central and Hudson River railroad in the city of Albany shall be closed and discontinued, and that there shall be constructed an undergrade crossing and new streets leading thereto; and incidental to such determination the Commission having by its other order under date of July 29, 1915, provided that from funds theretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not at that time expended or segregated by this Commission, there should then be segregated or set apart to the credit of grade crossing case number G. C.-381, above entitled, the sum of \$110,000 to meet the State's share of the cost of the elimination project in said case; and the completed work under said first mentioned order having been approved by the Commission under its order of December 27, 1916; and it now appearing from the final accounting as allowed that the total cost of the work to the State is \$107,413.31, leaving as a balance the sum of \$2586.69, it is now

Ordered: That all of the said unexpended balance, to wit the sum of \$2586.69, which remains to the credit of the Commission, shall be re-transferred to the general fund appropriated by the Legislature for grade crossing purposes.

[Case No. 4970]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the NASSAU AND
SUFFOLK LIGHTING COMPANY under section 69 of the
Public Service Commissions Law for authority to
issue additional first mortgage bonds. Fourth
amendatory
order.

Under date of July 1, 1915, an order was entered in this proceeding authorizing the Nassau and Suffolk Lighting Company to issue and sell \$429,000 face value of its 5 per cent 30-year first mortgage bonds and \$140,200 par value of common capital stock, the former to be sold for not less than 85 per cent of their face value and the latter for not less than its par value, and to use the proceeds realized from such sales for new construction purposes as enumerated in clause 5 of such order. An ordering clause of this order provided that the proceeds of stocks and bonds authorized therein could be used only for expenditures made before December 1, 1915, on the specified additions, betterments, and extensions for which such proceeds were authorized. By different amendatory orders entered in this proceeding, upon applications filed, the time for the expenditure of such proceeds on the specified additions, betterments, and extensions was extended to December 31, 1916. On this date all of the bonds and \$27,700 of the capital stock authorized had been sold, and the proceeds realized from such sales have been used, according to verified reports filed, with the exception of proceeds to the amount of \$183,538.23, which with the unsold common capital stock to the par amount of \$112,500 makes a total amount of proceeds realized and to be realized and available in this proceeding of \$296,038.23. By petitions dated March 2, 1917, and March 23, 1917, as amended by letter from its president dated June 14, 1917, the Nassau and Suffolk Lighting Company asks for authority to use these proceeds beyond the dates to which such use has heretofore been limited, and also, as stated in the latest petition, for certain other purposes not contemplated in the original order. Now therefore, upon the foregoing record,

Ordered as follows: 1. That clause 12 of the order herein dated July 1, 1915, as amended by order dated June 15, 1916, and as further amended by order dated December 11, 1916, is hereby further amended to permit the use of the proceeds of stocks and bonds heretofore authorized by orders in this case for expenditures made before January 1, 1918, for the specific additions, betterments, and improvements detailed in that order, and for the following purposes:

(1) Water gas apparatus: 1 8-ft. U. G. I. Lowe water gas set complete with connections	\$25,712.00
(2) 40,000 ft. 6-in. genuine wrought iron pipe, at \$1.78 per ft.....	71,200.00
(3) 1 2-ton Pierce-Arrow truck, complete, with special body.....	8,500.00
(4) In partial payment of cost of Clinton Street property: total cost, \$20,000; less payments made, \$14,400.....	5,600.00
(5) Organization: for expenditures actually and properly incident to the increase in the company's capital stock.....	5,000.00
	\$111,012.00

in so far as the same may be applicable, provided (a) that the unit and other prices aforesaid are not intended to be and must not be construed by the petitioner as a present determination by the Commission of the actual cost of property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of

which must be hereafter proven and established to the satisfaction of the Commission by expenditures which shall have been actually and properly made and subject both to the provisions of the Commission's Uniform System of Accounts for Gas Corporations and to the conditions outlined herein; (b) that the proceeds of stock and bonds, authority for the use of which is granted herein, shall be applied on such new construction summarized as above only in so far as the same is properly chargeable to fixed capital as defined in the Uniform System of Accounts for Gas Corporations adopted by this Commission; (c) that there shall not be expended for any of such purposes a sum in excess of the amount set opposite such purpose; (d) that the proceeds of securities, the use of which is herein granted, shall not be used for costs other than actual labor and material costs or contract costs for completed units of equipment except in so far as such items of additional cost or overhead shall be performed by and paid to other than the regular officers and employees of the company, or by such officers and employees who shall have been expressly assigned to such construction, but not including any allowance for incidental services of the officers or employees of the petitioner; and that further, in no event shall such items of cost in excess of actual labor and material costs exceed 15 per cent thereupon.

2. That the proceeds of securities, the use of which is authorized in this case, shall be used only for expenditures in payment for construction work carried on by the petitioner's own forces, and not through any construction company or association of stockholders except in so far as the erection or installation of special buildings or apparatus may require the services of outside parties.

3. That except as herein modified or amended the requirements heretofore made by the order dated July 1, 1915, as amended by additional and later orders in this case, shall remain in full force and effect.

4. That the Nassau and Suffolk Lighting Company shall within twenty days from July 1, 1917, file with this Commission a report giving the information called for as indicated below for the period from January 1, 1917, to June 30, 1917; and within twenty days from the first of each calendar month thereafter file for the preceding calendar month a like report, all reports required under this ordering clause to be verified by its president and its principal accounting officer: (a) what securities have been sold or otherwise disposed of during such period as authorized by orders of the Commission in this case and the dates of such sales; (b) to whom such securities were sold; (c) what proceeds were realized from such sales; (d) any other terms or conditions of such sale; (e) in detail the amount expended during the period covered by the report for each of the purposes for which the expenditures of such proceeds are authorized, and such report shall show to what account or accounts under the Uniform System of Accounts for Gas Corporations the expenditures for each of such purposes have been charged, giving all details of credits to fixed capital in connection with such expenditures, which aforesaid detail of expenditures of proceeds shall include verified copies of all vouchers, with supporting invoices, payrolls, material warrants, and all other evidences of the actual disbursement of such proceeds, including verified copies of journal entries with full explanations of the necessity therefor, reflecting and affecting the disposition of the proceeds of the aforesaid securities. In reporting under subdivisions (b) and (c) of this clause there shall be further shown the expenditures to the beginning of the period reported upon and a total showing the expenditures to the end of the period.

5. That the Nassau and Suffolk Lighting Company shall within ten days of the receipt of a certified copy of this order advise this Commission whether or not it accepts same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of securities heretofore authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4974]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CAER,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of PUBLIC SERVICE CORPORATION OF LONG ISLAND under section 69 of the Public Service Commissions Law for authority to issue \$138,750 in first mortgage 5 per cent gold bonds under an existing mortgage, and \$67,100 common capital stock.

**Fifth
amendatory
order.**

By its previous orders in this case this Commission authorized the Public Service Corporation of Long Island to issue and sell \$377,000 face value of its 5 per cent thirty-year first mortgage bonds at 85 per cent of their face value, and \$107,000 par value of its common capital stock at par, and to use the proceeds for certain construction purposes described in these orders. It however limited the use of such proceeds to construction expenditures made prior to January 1, 1917. By a petition filed March 2, 1917, the company asks for an extension to December 31, 1917, of the time during which said security proceeds may be used for the work described. Now therefore

Ordered as follows: 1. That clause No. 11 of the order herein dated July 1, 1915, is hereby further amended to permit the use of the proceeds of stock and bonds therein authorized for expenditures made before January 1, 1918, on the specific additions, betterments, and extensions for which such proceeds were authorized.

2. That the proceeds of the securities authorized in this case shall be used only for expenditures in payment for construction work carried on by the petitioner's own forces, and no part of said work shall be done by contract without the consent and approval of this Commission, after a hearing.

3. That in all other respects the provisions of the orders heretofore entered in this proceeding, as modified or amended by superseding or amendatory orders, shall remain in full force and effect.

4. That the Public Service Corporation of Long Island shall within forty days after July 1, 1917, file with this Commission a report giving the information called for as indicated below, for the period from January 1, 1917, to June 30, 1917, and shall also within forty days after the first of each calendar month thereafter submit a report containing like information for the preceding month; all of such required reports are to be verified by its president and its principal accounting officer: (a) what securities have been sold or otherwise disposed of during such period as authorized by the orders of the Commission in this case and the dates of such sales; (b) to whom such securities were sold; (c) what proceeds were realized from such sales; (d) any other terms and conditions of such sales; (e) in detail the amount expended during the period covered by the report for each of the purposes for which the expenditures of such proceeds are authorized; and such report shall show to what account or accounts under the Uniform System of Accounts for Gas Corporations the expenditures for each of such purposes have been charged, giving all details of credits to fixed capital in connection with such expenditures, which aforesaid detail of expenditures of proceeds shall include verified copies of all vouchers, with supporting invoices, payrolls, material warrants, and all other evidences of the actual disbursement of such proceeds, including verified copies of journal entries, with full explanations of the necessity therefor, reflecting and affecting the disposition of the proceeds of the aforesaid securities. In reporting under subdivisions (b) and

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(c) of this clause there shall be further shown the expenditures to the beginning of the period reported upon and a total showing the expenditures to the end of the period.

5. That the Public Service Corporation of Long Island shall within ten days of the receipt of a certified copy of this order advise this Commission whether or not it accepts same with all its terms and conditions.

[Case No. 5868]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1917.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.**

In the matter of the Complaint of the CHAMBER OF COMMERCE OF THE CITY OF ONEIDA against NEW YORK STATE RAILWAYS as to service rendered the public between the city of Oneida and Kenwood and Sherrill, and asking for a new passenger station at Sherrill.

The complaint in this case was filed on January 17, 1917, and since that time the electric railroad inspector of the Commission has been investigating the matter and has had conference with the complainants. We are now advised by the president of the Chamber of Commerce of the City of Oneida that no further action is desired at this time, as the railroad company is making every effort to improve its service as desired by the complainants. Under the circumstances, therefore, it is

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 5871]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1917.

Present:

**SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.**

In the matter of the Complaint of the PRESIDENT AND TRUSTEES OF THE INCORPORATED VILLAGE OF WALTON, Delaware county, against WALTON PEOPLE'S TELEPHONE COMPANY as to increase in rates.

Upon the facts found and for the reasons stated in the accompanying opinion, it is

Ordered: That the complaint herein be and the same hereby is dismissed.

[Case No. 5877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint under section 53 of the Railroad Law (amended by chapter 559, laws of 1915) of RESIDENTS OF THE HAMLET OF ARKVILLE, Delaware county, *against* THE ULSTER AND DELAWARE RAILROAD COMPANY and the DELAWARE AND NORTHERN RAILROAD COMPANY, asking that said companies provide a flagman at the crossing at grade of railroads operated by them and the main highway in Arkville.

Since the order which was made in this case on the 12th day of June, 1917, requiring the railroad companies to cause the whistles of locomotives to be blown continuously on approaching the state highway crossing in the westerly portion of the hamlet of Arkville, several complaints have been received from residents of Arkville to the effect that the blowing of these whistles is very objectionable and seriously detrimental to their interests. At the suggestion of the Commission, these complainants have taken the matter up with the original complainants to procure a modification of the order. The Commission was advised under date of June 22nd by the original complainants that they desire to have the order with reference to the blowing of the whistles suspended for the present, and until additional evidence can be presented to the Commission upon the question of stationing a flagman at this crossing. Under the circumstances we deem it proper to grant the request of the complainants; and it is therefore

Ordered: That the order of this Commission in this case made on the 12th day of June, 1917, be and the same hereby is suspended, with the right to the complainants to present additional evidence in this matter if and when they deem it advisable so to do.

[Case No. 6024]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of June, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of THE NEW YORK AND NORTH SHORE TRACTION COMPANY for an order increasing the rate of fare to be charged by it between certain points in Nassau county, under section 49 of the Public Service Commissions Law.

Petition filed May 23, 1917; affidavits of publication of notice of hearing in various papers in Nassau county filed June 8, 1917; hearings held at the office of the Commission in the city of New York May 28, June 8, and June 15, 1917. Appearances: Frueauff, Robinson and Sloan, by W. B. Robinson,

for petitioner; Dowsey, Parsons and Berliner, by Erastus T. Parsons, for the Town of North Hempstead. At the second hearing in this case counsel for the Town of North Hempstead requested a delay of two weeks in order that the residents of the town and the town officials might have an opportunity to study the proposed changes in fare zones and in the rates of fare as set forth in the petition. It was however deemed advisable by the Commission to proceed with the hearing, with the understanding that the matter would be adjourned for one week so that the Town of North Hempstead might have an opportunity to introduce any evidence it desired in opposition to the application. Before the last hearing a telegram was received from counsel representing the Town of North Hempstead, advising the Commission that there would be no opposition to the application for increased fares and that no evidence would be introduced on behalf of the town. Counsel for the petitioner also stated that he had been advised to the same effect. In 1915 an application was made by the petitioner for permission to increase the fare from Port Washington to Mineola, from ten to fifteen cents. In view of certain restrictions in the franchise as to fare, the Commission decided on September 8, 1915, that it did not have authority to fix a rate of fare higher than that provided in the franchise. This determination of the Commission was reversed by the Appellate Division, Third Department, in December, 1916 (175 A. D. 869). The present application was filed on May 23, 1917, and in it the company requests the Commission to determine that the just and reasonable rate of fare and charge to be observed and enforced as the maximum to be charged for service to be performed by it between the city line (Little Neck) and Mineola, and also between Port Washington and Mineola, should be twenty cents for a continuous trip; and between Mineola and Hicksville, twelve cents for a continuous trip; and also for the approval of certain revised fare zones. The lines of the applicant running from Port Washington to Hicksville, and from Little Neck to Roslyn, are the ones which are affected by the proposed changes in fare and fare zones. The company now has outstanding \$979,350 of stock and \$800,000 of 5 per cent bonds; all of the bonds and a large amount of the stock were issued pursuant to the authority granted by the Public Service Commission of the First District, which has jurisdiction over the capitalization matters of the petitioner under the statute. The company contends that while it is giving more service than is required by its franchise, yet it is necessary for the convenience of the traveling public, and that it would be a hardship upon the public to decrease the present service. The company did not issue the bonds authorized by the Public Service Commission of the First District for some time after the order was made because it was unable to earn the interest on those bonds. It is urged that there must be some relief given to the company in order to avoid a receivership, because it is not now earning enough over and above its operating expenses to pay interest on its bonds. Beyond this, it is claimed that the company has never earned an amount sufficient to pay a fair return upon the value of the property employed in the public service. It is estimated that the increased revenue of the company will be approximately \$8850 per annum if this application is granted by this Commission. The proposed changes in fares and fare zones will affect persons riding between the following points: Port Washington and Mineola; New York city line at Little Neck and Mineola; Mineola and Hicksville; Manhasset and point beyond Roslyn Clock Tower.

It was stated at the hearing that the new schedule of fares was prepared after going into the matter in great detail and on as equitable a basis as possible, due regard being given to riding conditions. The territory through which the road operates in Nassau county is very sparsely settled and there has been little or no development there since the road was built. The increased use of the automobile in this territory has caused a very substantial decrease in the earnings of the company in the last two years. There has been a steady decrease in the passenger revenue since 1914. There has been a very substantial increase in the operating expenses of the company in the present year, and it is expected that the company will be obliged to pay at least \$12,000 more this year for coal than it paid in the year 1916, and this

amount may be increased. Because of the small earnings of the property, it has not been able to keep the roadbed up to a proper standard, and its equipment is in bad shape. Notwithstanding the expected increase in earnings, it is anticipated that the increased operating expenses will more than equal them. The general manager of the company testified that no one had made any protest to him against the proposed change in fares, and that he had not heard of any such objection on the part of any of the people residing in that portion of Nassau county through which the company operates. The company has failed to earn a sufficient amount each year to enable it to set aside a proper amount for depreciation. Even the relief which the company now seeks will not enable it to provide for this reserve. For the years ending June 30, 1915 and 1916, the company earned \$2111 and \$2032, respectively, over fixed charges. No dividends were paid to stockholders, and they therefore received nothing upon their investment during those years. For the ten months ending April 30, 1917, the deficit after paying fixed charges was \$7093.38. The earnings per car-mile in Nassau county in 1913 were 25.45 cents, and for the ten months ending April 30, 1917, they were 24.41 cents. For the eleven months ending May 31, 1917, the earnings of the company were less than they were for the same period for the previous year by more than \$8000, so that while there was a net income of about \$1500 for the eleven months ending May 31, 1916, this was turned into a deficit of more than \$8900 for the eleven months ending May 31, 1917, after providing for the fixed charges of the company. It is very apparent from the evidence that the company is now failing to earn its bond interest, and from our knowledge of conditions, this state of affairs may continue for a considerable period of time. Particularly is this true if the company makes any effort to keep its property in reasonably good operating condition and also endeavors to provide a depreciation reserve. Assuming that the company has invested in the public service at least \$1,599,350, which is the amount represented by the bonds of the company to the extent of \$770,000 and stock to the amount of \$829,350, authorized by the Public Service Commission for the First District, it will be seen that the company would have to earn at least \$79,967.50 to give a return of only 5 per cent on this valuation; this does not make any provision for a depreciation reserve which is vital to the company's welfare, nor does it allow anything for the creation of a surplus and for contingencies. The company has never earned any such amount, however, during the past five years, the maximum available in any year having been approximately \$49,500 in the year ending June 30, 1915, after the payment of taxes but before the payment of any interest on bonds. Under the circumstances, therefore, it is apparent that the petitioner is entitled to the relief which it seeks; and it is therefore

Ordered: 1. That the just and reasonable rates, fares, and charges to be hereafter observed and enforced as the maximum to be charged for the service to be performed by The New York and North Shore Traction Company for a continuous trip between the city line (Little Neck) and Mineola, between Port Washington and Mineola, and between Mineola and Hicksville, and for trips between intermediate points along the lines of said company in Nassau county, shall be the following, to wit:

Between Port Washington and Mineola, or between Mineola and Port Washington:

	<i>Miles</i>	<i>Fare</i>
End Line, Port Washington, and Port Washington, Village Line..	2.32	.05
Port Washington (Village Line) and Roslyn Clock Tower.....	2.38	.05
Foley's Corner (Roslyn) and Power House Road (Roslyn).....	2.54	.05
Power House Road (Roslyn) and Mineola.....	3.25	.05
Port Washington and Mineola.....	9.69	.20

Between City Line (Little Neck) and Mineola, or between Mineola and City Line (Little Neck):

City Line (Little Neck) and Plandome Road (Manhasset).....	2.60	.05
Stop 218 (Manhasset) and Roslyn Clock Tower.....	3.27	.05
Foley's Corner and Power House Road (Roslyn).....	2.54	.05
Power House Road (Roslyn) and Mineola.....	3.25	.05
City Line (Little Neck) and Mineola.....	10.16	.20

Between Mineola and Hicksville, or between Hicksville and Mineola:

Mineola Terminus and Stop 124 (Westbury).....	3.74	.06
Stop 115 (Westbury) and Hicksville.....	4.09	.06
Mineola Terminus and Hicksville.....	6.77	.12

Special Permission Tariffs, June, 1917.

No. 6610; June 1, 1917; The Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, Receiver):

Ordered: That under application therefor dated May 30, 1917, the Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, Receiver) be and is hereby authorized to file, within thirty days from the date hereof and on not less than two days' notice to the public and the Commission, a tariff schedule, establishing therein a rate of \$1.34 per ton of 2000 pounds to apply on Logs and Wood Bolts, carloads, minimum weight as per current Official Classification, from Belvidere, N. Y., via Pittsburg, Shawmut and Northern railroad, Olean, N. Y., and the Pennsylvania railroad, to Arcade, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 644, effective June 8, 1917.

No. 6611; Various Railroad Corporations:

Ordered: That under applications therefor the carriers herein specified be and they are hereby authorized to file supplements to their tariffs applying on iron ore, in carloads, for the purpose of canceling, as of June 6, 1917, tariff publications described as follows: Lehigh Valley Railroad Company, supplement No. 1 to tariff P. S. C., 2 N. Y., No. D-3362; The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east), supplements Nos. 1 to tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 3182, 3183, 3184, 3185, 3186, and supplement No. 23 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2543; West Shore Railroad (The New York Central Railroad Company, lessee), supplements Nos. 1 to tariffs P. S. C., 2 N. Y., W. S. Nos. 935, 954, 955, and supplement No. 17 to tariff P. S. C., 2 N. Y., W. S. No. 656. The tariff publications herein authorized to be canceled operated to postpone until August 29, 1917, the effective dates of such tariffs or items contained in supplements to such tariffs which were established on statutory notice; and on account of the interstate application having been suspended by the Interstate Commerce Commission in its I. & S. Docket No. 1080, permission was given to postpone the effective date as to intrastate traffic; the Interstate Commerce Commission has vacated its suspension order as of June 6, 1917, and this permission is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. This authority does not waive any of the requirements of this Commission's rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55.

Completed by the filing of proper schedules, effective June 6, 1917.

No. 6612; June 2, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under application therefor dated June 1, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, effective not earlier than June 6, 1917, on one day's notice to the public and the Commission, a commodity tariff superseding its tariff P. S. C., 2 N. Y., No. 2820, and establish therein the rates set forth in said application, which are hereby made a part of this order, to apply on Iron Ore, in carloads, from Black Rock, N. Y., Buffalo, N. Y., East Buffalo, N. Y., and Harriet, N. Y., to various points on the Delaware, Lackawanna and Western railroad and its connections. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. The Commission does not hereby approve any rates or charges that may be filed under this authority, all such rates or charges

being subject to protest, suspension, complaint, investigation, and correction if in conflict with any provisions of the laws of the State of New York.

Completed by P. S. C. No. 2822, effective June 11, 1917.

No. 6613; June 2, 1917; Lehigh Valley Railroad Company:

Ordered: That under application therefor dated June 1, 1917, the Lehigh Valley Railroad Company be and is hereby authorized to file a supplement to its tariff P. S. C., 2 N. Y., No. D-3287, for the purpose of canceling, on one day's notice to the public and the Commission, supplement No. 13 to said tariff, which postpones until August 10, 1917, the effective dates of certain items published in supplement No. 12 to said tariff; also to file, effective July 1, 1917, on not less than fifteen days' notice to the public and the Commission, schedules providing, from and to the points of origin and destination named in said postponed schedule, specific increased rates on basis of a percentage in the same form as permitted by special permission No. 6533. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission by its order in I. & S. Docket No. 1062 having authorized cancellation of said suspended items as to interstate traffic and permitted the filing of schedules providing for increased rates on basis of percentage advance. This Commission does not hereby approve any rates or charges that may be filed under this authority, all such rates or charges being subject to protest, suspension, complaint, investigation, and correction if in conflict with any provisions of the laws of the State of New York.

Completed by supplement No. 15 to P. S. C. No. D-3287, effective June 15, 1917.

No. 6614; June 2, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under application therefor dated May 31, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 2311, for the purpose of canceling the rates as published therein on Starch and Dextrine, carloads, from Buffalo, N. Y., and Oswego, N. Y., etc., to stations on the Pennsylvania railroad in the State of New York, referring for future rates to tariff P. S. C., 2 N. Y., N. Y. C. No. 3112. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and is given in order to remove conflict in rates.

Completed by supplement No. 39 to P. S. C. N. Y. C. No. 2311, effective June 9, 1917.

No. 6615; June 4, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under application therefor dated June 1, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a supplement to its tariff P. S. C., 2 N. Y., No. 2750, and establish rate of thirty cents per two thousand pounds to apply on Cinders and Ashes (not mill cinder), carloads, minimum weight sixty thousand pounds, from Elmira, N. Y., to Big Flats, N. Y.; also that the carrier be and is hereby further authorized to provide that the rate filed under this permission will be subject to advance effective July 1, 1917, in accordance with the schedule contained in supplement No. 1 to said tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e) of Rule

Special Permission Tariffs, June, 1917.

No. 6610; June 1, 1917; The Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, Receiver):

Ordered: That under application therefor dated May 30, 1917, the Pittsburg, Shawmut and Northern Railroad (Frank Sullivan Smith, Receiver) be and is hereby authorized to file, within thirty days from the date hereof and on not less than two days' notice to the public and the Commission, a tariff schedule, establishing therein a rate of \$1.34 per ton of 2000 pounds to apply on Logs and Wood Bolts, carloads, minimum weight as per current Official Classification, from Belvidere, N. Y., via Pittsburg, Shawmut and Northern railroad, Olean, N. Y., and the Pennsylvania railroad, to Arcade, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 644, effective June 8, 1917.

No. 6611; Various Railroad Corporations:

Ordered: That under applications therefor the carriers herein specified be and they are hereby authorized to file supplements to their tariffs applying on iron ore, in carloads, for the purpose of canceling, as of June 6, 1917, tariff publications described as follows: Lehigh Valley Railroad Company, supplement No. 1 to tariff P. S. C., 2 N. Y., No. D-3362; The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east), supplements Nos. 1 to tariffs P. S. C., 2 N. Y., N. Y. C. Nos. 3182, 3183, 3184, 3185, 3186, and supplement No. 23 to tariff P. S. C., 2 N. Y., N. Y. C. No. 2543; West Shore Railroad (The New York Central Railroad Company, lessee), supplements Nos. 1 to tariffs P. S. C., 2 N. Y., W. S. Nos. 935, 954, 955, and supplement No. 17 to tariff P. S. C., 2 N. Y., W. S. No. 656. The tariff publications herein authorized to be canceled operated to postpone until August 29, 1917, the effective dates of such tariffs or items contained in supplements to such tariffs which were established on statutory notice; and on account of the interstate application having been suspended by the Interstate Commerce Commission in its I. & S. Docket No. 1080, permission was given to postpone the effective date as to intrastate traffic; the Interstate Commerce Commission has vacated its suspension order as of June 6, 1917, and this permission is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. This authority does not waive any of the requirements of this Commission's rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55.

Completed by the filing of proper schedules, effective June 6, 1917.

No. 6612; June 2, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under application therefor dated June 1, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, effective not earlier than June 6, 1917, on one day's notice to the public and the Commission, a commodity tariff superseding its tariff P. S. C., 2 N. Y., No. 2820, and establish therein the rates set forth in said application, which are hereby made a part of this order, to apply on Iron Ore, in carloads, from Black Rock, N. Y., Buffalo, N. Y., East Buffalo, N. Y., and Harriet, N. Y., to various points on the Delaware, Lackawanna and Western railroad and its connections. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic. The Commission does not hereby approve any rates or charges that may be filed under this authority, all such rates or charges

Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the same rules as to interstate traffic being further suspended until December 15, 1917, by the Interstate Commerce Commission in an order dated May 19, 1917, in its I. & S. Docket No. 1027.

Completed by supplement No. 19 to P. S. C. No. 41, and supplement No. 6 to P. S. C. No. 46; filed June 12, 1917.

No. 6620; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under application therefor dated June 8, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and they are hereby authorized to file supplements to their freight tariffs of rules governing deliveries of freight at New York, Brooklyn, etc., and lighterage and terminal regulations in New York harbor, P. S. C., 2 N. Y., N. Y. C. No. 2483, and P. S. C., 2 N. Y., W. S. No. 667, for the purpose of further postponing until December 15, 1917, certain items in supplements Nos. 21 and 22 to said N. Y. C. tariff, and supplements Nos. 22 and 23 to said W. S. tariff, which items are now under postponement until June 15, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, under date of May 19, 1917, issued orders in connection with its I. & S. Dockets Nos. 1025, 1026, and 1027 further suspending said items as to interstate traffic until December 15, 1917.

Completed by supplement No. 30 to P. S. C. N. Y. C. No. 2483, and supplement No. 33 to P. S. C. W. S. No. 667; filed June 13, 1917.

No. 6621; The New York Central Railroad Company (Buffalo and East) and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under application therefor dated June 8, 1917, The New York Central Railroad Company (Buffalo and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and they are hereby authorized to file, effective June 15, 1917, on not less than two days' notice to the public and the Commission, supplements to their respective passenger tariffs P. S. C., 2 N. Y., N. Y. C. No. 229, and W. S. No. 99, for the purpose of canceling the fares and arrangements to Niagara Falls, N. Y., and return of Independent Day and Labor Day, as shown in last section 17 of said N. Y. C. tariff and first section on page 8 of said W. S. tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 3 to P. S. C. N. Y. C. No. 229, and P. S. C. W. S. No. 99; filed June 15, 1917.

No. 6622; The Syracuse and Northern Railroad (Hendrick S. Holden and C. Loomis):

Ordered: That under application therefor dated June 8, 1917, the Syracuse and Northern Railroad (Hendrick S. Holden and C. Loomis) be and they are hereby authorized to file, within thirty days from date of filing, on not less than one day's notice to the public and the Commission, a new tariff, and provide therein for the sale of tickets good in both directions between Syracuse,

9, Circular No. 55. The Commission does not hereby approve any rates or charges that may be filed under this authority, all such rates or charges being subject to protest, suspension, complaint, investigation, and correction if in conflict with any provisions of the laws of the State of New York.

Completed by supplement No. 2 to P. S. C. No. 2750, effective June 12, 1917. No. 6616; June 4, 1917; Albany Southern Railroad Company:

Ordered: That under application therefor dated June 4, 1917, the Albany Southern Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a joint freight tariff of class and commodity rates applying in either direction between stations on the Albany Southern railroad and ports reached by the Shippers Navigation Company, establishing the rates, rules, and regulations set forth in exhibit attached to said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 138, effective June 7, 1917.

No. 6617; June 5, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under application therefor dated June 4, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a commodity tariff, as canceling its tariff P. S. C., 2 N. Y., N. Y. C. 3230, and establish therein a rate of \$1.15 per 2240 pounds to apply on Iron Ore, carloads, minimum weight as per Official Classification currently in force, from East Buffalo, N. Y., to Rome, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any rates or charges that may be filed under this authority, all such rates or charges being subject to protest, suspension, complaint, investigation, and correction if in conflict with any provisions of the laws of the State of New York.

Completed by P. S. C. N. Y. C. No. 3251, effective June 11, 1917.

No. 6618; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under application therefor dated June 5, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a commodity tariff, and establish therein a rate of 12.7 cents per hundred pounds to apply on Nitrate of Soda, in carloads, minimum weight as per Official Classification, from New York city stations, New York, including lighterage, and Brooklyn, N. Y., to Barnard, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3255, effective June 11, 1917.

No. 6619; Baltimore and Ohio Railroad Company:

Ordered: That under application therefor dated June 4, 1917, the Baltimore and Ohio Railroad Company be and is hereby authorized to file supplements to its freight tariffs P. S. C., 2 N. Y., Nos. 41 and 46, and therein provide for the further postponement until December 15, 1917, of Rules Nos. 17, as shown in supplement No. 17 to said tariff P. S. C., 2 N. Y., No. 41; and in supplement No. 1 to said tariff P. S. C., 2 N. Y., No. 46, which rules are now under postponement until June 15, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the

Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the same rules as to interstate traffic being further suspended until December 15, 1917, by the Interstate Commerce Commission in an order dated May 19, 1917, in its I. & S. Docket No. 1027.

Completed by supplement No. 19 to P. S. C. No. 41, and supplement No. 6 to P. S. C. No. 46; filed June 12, 1917.

No. 6620; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under application therefor dated June 8, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and they are hereby authorized to file supplements to their freight tariffs of rules governing deliveries of freight at New York, Brooklyn, etc., and lighterage and terminal regulations in New York harbor, P. S. C., 2 N. Y., N. Y. C. No. 2483, and P. S. C., 2 N. Y., W. S. No. 667, for the purpose of further postponing until December 15, 1917, certain items in supplements Nos. 21 and 22 to said N. Y. C. tariff, and supplements Nos. 22 and 23 to said W. S. tariff, which items are now under postponement until June 15, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, under date of May 19, 1917, issued orders in connection with its I. & S. Dockets Nos. 1025, 1026, and 1027 further suspending said items as to interstate traffic until December 15, 1917.

Completed by supplement No. 30 to P. S. C. N. Y. C. No. 2483, and supplement No. 33 to P. S. C. W. S. No. 667; filed June 13, 1917.

No. 6621; The New York Central Railroad Company (Buffalo and East) and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under application therefor dated June 8, 1917, The New York Central Railroad Company (Buffalo and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and they are hereby authorized to file, effective June 15, 1917, on not less than two days' notice to the public and the Commission, supplements to their respective passenger tariffs P. S. C., 2 N. Y., N. Y. C. No. 229, and W. S. No. 99, for the purpose of canceling the fares and arrangements to Niagara Falls, N. Y., and return, account of Independence Day and Labor Day, as shown in last section on page 17 of said N. Y. C. tariff and first section on page 8 of said W. S. tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplements Nos. 3 to P. S. C. N. Y. C. No. 229, and P. S. C. W. S. No. 99; effective June 15, 1917.

No. 6622; Syracuse, Lake Shore and Northern Railroad (Hendrick S. Holden and C. Loomis Allen, Receivers):

Ordered: That under application therefor dated June 8, 1917, the Syracuse, Lake Shore and Northern Railroad (Hendrick S. Holden and C. Loomis Allen, Receivers) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a local passenger tariff, and provide therein for the sale of books containing twenty tickets good in both directions between Syracuse,

N. Y., and Stops 2, 3, and 4, at price of one dollar per book, subject to conditions of sale and use as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 2, effective June 19, 1917.

No. 6623; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under application therefor dated June 11, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, establishing therein a rate of forty-two cents per two thousand pounds to apply on Ice, in carloads, minimum weight fifty thousand pounds, from Batavia, N. Y., to Attica, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3262, effective June 20, 1917.

No. 6624; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under application therefor dated June 11, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule establishing therein a rate of forty-two cents per two thousand pounds to apply on riprap stone, in carloads, minimum weight sixty thousand pounds, from Kent Street and Portland Avenue stations, Rochester, N. Y., to Charlotte, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3264, effective June 19, 1917.

No. 6625; The Pennsylvania Railroad Company:

Ordered: That under application therefor dated June 11, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a supplement to its tariff of Exceptions to Official Classification, G. O., P. S. C., 2 N. Y., No. 861, and establish therein as Item 10 exceptions to Rule 12 of Official Classification: "Ice and Salt will be furnished for shipments of Butter, Cheese, and Eggs, in straight or mixed lots of 15,000 pounds or over, for one destination." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 33 to G. O. P. S. C. No. 861, effective June 18, 1917.

No. 6626; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under application therefor dated June 12, 1917, the New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, (1) a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 1837, eliminating Fulton, N. Y., from the list of stations at which the tariff applies; (2) a tariff of switching charges at Fulton, N. Y., reissuing the regulations and charges now applying at Fulton, N. Y., in the aforesaid tariff, and also establishing therein a rate of \$3.50 per car to apply between its connection

with the New York, Ontario and Western railway and private sidings connected with its line within the station limits of Fulton, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3261, and supplement No. 13 to P. S. C. N. Y. C. No. 1837; effective June 22, 1917.

No. 6627; R. N. Collyer, Agent:

Ordered: That under application therefor dated June 12, 1917, R. N. Collyer, agent for carriers, duly authorized to publish and file Official Classification, be and hereby is authorized to file, on or before August 20, 1917, and on not less than ten days' notice to the public and the Commission, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 43, such supplement to cancel supplement No. 16 to said tariff, and further postpone, until December 1, 1917, the effective date of Item 4, page 6, of supplement No. 14 to said tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 17 to P. S. C. O. C. No. 43, filed June 19, 1917.

No. 6628; Buffalo Southern Railway, N. A. Bundy, Receiver:

Ordered: That under application therefor dated June 11, 1917, the Buffalo Southern Railway, N. A. Bundy, Receiver, be and is hereby authorized to file, within thirty days from the date hereof and on not less than three days' notice to the public and the Commission, a local passenger tariff of special excursion fares, and therein provide for the sale of tickets to Sunday Schools (any number of passengers) and to special parties of 200 or more passengers, good from Buffalo city line, Seneca street, to Erie County Fair Grounds and return, at ten cents for persons over five and not over twelve years of age, and at twenty cents for persons over twelve years of age, together with regulations governing the use of such tickets; also for the sale of individual tickets from Orchard Park, N. Y., to Erie County Fair Grounds and return during the period of time of the holding of the Erie County Fair, at twenty-five cents, together with regulations governing the use of such tickets. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 5, effective June 25, 1917.

No. 6629; The Delaware and Hudson Company:

Ordered: That under application therefor dated June 11, 1917, The Delaware and Hudson Company be and is hereby authorized to file, on or before June 24, 1917, and on not less than three days' notice to the public and the Commission, a supplement to its tariff of special Sunday, holiday, week-end, and short-limit excursion fares, P. S. C., 2 N. Y., No. 1551, and provide therein for the cancellation of the fares applying to the sale of tickets on Sundays only, June 24th to September 9th inclusive, as shown on page 4, under caption of Tickets Form Exc. 171. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 1551, effective June 20, 1917.

No. 6630; The Attica and Arcade Railroad Corporation:

This special permission not used.

No. 6631; The New York, Chicago and St. Louis Railroad Company:

Ordered: That under application therefor The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to file a supplement to

its freight tariff P. S. C., 2 N. Y., No. 573, and therein provide for the postponement until October 13, 1917, of the effective date of Item 135-A, as shown in supplement No. 4 to said tariff filed to take effect June 15, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e) of Rule 9, Circular No. 55, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission, by its order in I. & S. Docket No. 1102, having suspended said item as to interstate traffic until October 13, 1917.

Completed by supplement No. 5 to P. S. C. No. 573, filed June 15, 1917.

No. 6632; The Ulster and Delaware Railroad Company:

Ordered: That under its application therefor dated June 13, 1917, The Ulster and Delaware Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than five days' notice to the public and the Commission, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 171, such supplement to cancel Rule 8, as shown on page 4 of said tariff, reading "The charge for movement of party having exclusive use of private car, parlor or sleeping car, or coach over this line will be a minimum of 25 full fares, and if the party numbers more than 25, full fare will be charged for each additional adult and half fare for each child over 5 years of age and under 12 years. The minimum charge for each movement will be \$25." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 171, effective June 30, 1917.

No. 6633; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated June 15, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a freight tariff, and establish therein rate of 14.2 cents per hundred pounds on Fresh and Skimmed Milk and Buttermilk, in ten-gallon cans, estimated weight 111½ pounds, from Silver Springs, N. Y., to Ellicottville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1339, effective June 21, 1917.

No. 6634; New York State Railways, Oneida Line:

Ordered: That under its application therefor dated June 15, 1917, the New York State Railways, Oneida Line, be and is hereby authorized to file, on not less than three days' notice to the public and the Commission, a passenger tariff of excursion fares, effective not earlier than June 24, 1917, and to expire September 3, 1917, unless otherwise changed, canceled, or extended, and establish therein the one-way and round-trip fares from various stations on its line to Sylvan Beach, N. Y., as set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. O-20, effective June 24, 1917.

No. 6635; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application therefor dated June 15, 1917, The New York, New Haven and Hartford Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a supplement to its tariff P. S. C., 2 N. Y., No. F-130, covering charges for Lighterage, Terminal, and Miscellaneous Services at Brooklyn, N. Y., New York, N. Y., and vicinity,

etc., and establish therein the changes in storage charges and regulations applying on export freight as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 19 to P. S. C. No. F-30, effective June 23, 1917.

No. 6636; Auburn and Syracuse Electric Railroad Company:

Ordered: That under application therefor dated June 16, 1917, the Auburn and Syracuse Electric Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than three days' notice to the public and the Commission, a tariff publication, for the purpose of establishing rates applying to the sale of commutation books containing fifty single-trip coupons good for passage between Syracuse City Line, N. Y., and stations Olney, N. Y., to Auburn, N. Y., inclusive, at rates set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 2 to P. S. C. No. 34, effective June 25, 1917.

No. 6637; Auburn and Syracuse Electric Railroad Company:

Ordered: That under application therefor dated June 20, 1917, the Auburn and Syracuse Electric Railroad Company be and is hereby authorized to file, within thirty days from the date of this order and upon not less than three days' notice to the public and the Commission, a supplement to its local freight tariff P. S. C., 2 N. Y., No. 19, for the purpose of amending Rule 8 as shown on page 4 of said tariff to read as follows: "8. Forty-eight hours' (two days) free time, after placement, exclusive of Sundays and legal holidays, will be allowed for loading or unloading of carload shipments of all commodities. After the expiration of the free time allowed, the following charges per car, per day or fraction of a day, will be made until car is released: \$2 for each of the first five (5) days; \$5 for the sixth and each succeeding day. Note: The above rule will expire 7 o'clock a. m. May 1, 1918, unless sooner canceled, changed, or extended. After that time, Rule 8 as follows will apply." This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 2 to P. S. C. No. 19, effective July 5, 1917.

No. 6638; Electric Express Company:

Ordered: That under application therefor dated June 20, 1917, the Electric Express Company be and is hereby authorized to file, effective not earlier than July 1, 1917, and upon not less than one day's notice to the public and the Commission, a supplement to its joint freight tariff of class and commodity rates, P. S. C., 2 N. Y., No. 19, changing the third-class rate between the Hudson Navigation Company's landing, pier 32 North river, New York, and Wilton, N. Y., to read "34½¢ per 100 pounds". This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. It is given in order that a typographical or clerical error may be corrected.

Completed by supplement No. 1 to P. S. C. No. 19, effective July 1, 1917.

No. 6639; Central New England Railway Company:

Ordered: That under application therefor dated June 20, 1917, the Central New England Railway Company be and is hereby authorized to file, effective July 1, 1917, on not less than three days' notice to the public and the Commission, a supplement to its tariff P. S. C., 2 N. Y., No. 653, such

supplement to cancel said tariff, giving reference by P. S. C. number to the tariff where future rates will be found. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. It is given in order that a confliction in rates may not exist after July 1, 1917.

Completed by supplement No. 2 to P. S. C. No. 653, effective July 1, 1917.
No. 6640; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West):

Ordered: That under its application therefor dated June 21, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) be and is hereby authorized to file, on not less than five days' notice to the public and the Commission, a supplement to its tariff of rules and charges governing the reconsignment of coal, coke, and iron ore, P. S. C., 2 N. Y., L. S. No. C-4, and establish the additional exception to rules and charges governing the reconsignment of coal, coke, and iron ore as set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to notice to be given.

Completed by supplement No. 3 to P. S. C. L. S. No. C-4, effective July 3, 1917.

No. 6641; Orange County Traction Company:

Ordered: That under application therefor dated June 21, 1917, the Orange County Traction Company be and is hereby authorized to file, effective not earlier than June 28, 1917, and upon not less than one day's notice to the public and the Commission, a tariff publication, and therein provide a rate of 65¢ per 2000 pounds to apply on Cotton Piece Goods, in bales or cases, in any quantity, between the plant of the Newburgh Bleachery Company, West Newburgh, N. Y., and the terminals of the Central Hudson Steamboat Company or the Erie Railroad Company at Newburgh, N. Y. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 13, effective June 28, 1917.

No. 6642; Rutland Railroad Company:

Ordered: That under its application therefor dated June 25, 1917, the Rutland Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule, and establish therein a rate of \$1.15 per ton of 2000 pounds to apply on Woodpulp, in carloads, minimum weight 50,000 pounds, from Ogdensburg, N. Y., over its railroad, via Norwood, N. Y., and the Norwood and St. Lawrence railroad to Norfolk, N. Y., and Raymondville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 825, effective June 27, 1917.

No. 6643; Middletown and Unionville Railroad Company:

Ordered: That under its application therefor dated June 23, 1917, the Middletown and Unionville Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than five days' notice to the public and the Commission, a local freight tariff, and establish therein rates in cents per 2240 pounds to apply on Crushed Stone, in carloads, minimum weight 40,000 pounds, from Middletown, N. Y., as follows: To Slate Hill, N. Y., 35; Johnsons, N. Y., 35; West Town, N. Y., 40; Unionville, N. Y., 40. This authority does not waive any of the requirements of the Commission's published regulations relative to the construction and filing

of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 31, effective July 6, 1917.

No. 6644; The Delaware and Hudson Company:

Ordered: That under its application therefor dated June 25, 1917, The Delaware and Hudson Company be and is hereby authorized to file, effective June 30, 1917, on not less than three days' notice to the public and the Commission, a joint passenger tariff of special round-trip season fares to French Point, N. Y., establishing, in connection with the Lake George Steamboat Company, a rate to apply from Schenectady, N. Y., of \$75 per package of 25 adult round-trip tickets or the equivalent thereof, subject to the rules and regulations governing sale and use as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1570, effective June 30, 1917.

No. 6645; The Delaware and Hudson Company:

Ordered: That under its application therefor dated June 26, 1917, The Delaware and Hudson Company be and is hereby authorized to file, effective June 28, 1917, on not less than one day's notice to the public and the Commission, a local passenger tariff of special round-trip season fares to Hadley, N. Y., establishing a rate to apply from Albany, N. Y., of \$61.25 per package of 25 adult round-trip tickets or the equivalent thereof, subject to the rules and regulations governing sale and use as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1571, effective June 28, 1917.

No. 6646; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated June 25, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff of rules governing diversions in transit and reconsignments of coal and coke, in carloads, as superseding its tariff A. A., P. S. C., 2 N. Y., No. 85, reissuing the matter contained therein and provide the exception on shipments of Bituminous Coal as set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6647; Lake George Steamboat Company:

Ordered: That under its application therefor dated June 26, 1917, the Lake George Steamboat Company be and is hereby authorized to file, effective not earlier than June 30, 1917, and on not less than one day's notice to the public and the Commission, a local and proportional freight tariff of class rates to apply between Lake George, N. Y., and French Point, N. Y., establishing therein class rates, in cents per hundred pounds, governed by Official Classification, as follows:

<i>Classes</i>	<u>1</u>	<u>2</u>	<u>R-25</u>	<u>3</u>	<u>R-26</u>	<u>4</u>	<u>5</u>	<u>6</u>
<i>Rates</i>	16	14	12	12	12	12	10	8

Such tariff may be made to expire October 6, 1917, unless sooner canceled, changed, or extended. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of

tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 7, effective June 30, 1917.

No. 6648; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated June 26, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, effective July 1, 1917, and on not less than one day's notice to the public and the Commission, a tariff schedule on wheat, in bulk, ex-lake, from Buffalo (Ohio Street and Erie Street), N. Y., to various destinations, as canceling tariff P. S. C., 2 N. Y., N. Y. C. No. 3236, and reissuing the matter contained without change other than to make the application of Buffalo Creek Railroad switching charge on intrastate traffic the same as is now provided in said tariff as applicable on interstate traffic. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3269, effective July 1, 1917.

No. 6649; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated June 27, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, effective July 13, 1917, on not less than five days' notice to the public and the Commission, a tariff schedule, establishing therein a rate of 10.5 cents per can to apply on Fluid Milk in forty-quart cans (to be pasteurized and re-shipped), minimum thirty cans, from Arden, N. Y., and Dover Furnace, N. Y., to Pawling, N. Y., said rate not to include icing, but will include free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3277, effective July 13, 1917.

No. 6650; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, effective not earlier than July 1, 1917, on not less than one day's notice to the public and the Commission, a local and proportional tariff as canceling its tariff P. S. C., 2 N. Y., No. 1257, and reissue the matter contained without change other than to provide that the rates named in the tariff will include charge for switching service at points of origin not to exceed \$2.60 per car instead of \$2.10 per car. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1345, effective July 7, 1917.

No. 6651; Various Railroad Companies:

Ordered: That under application therefor based on the suspension orders issued by the Interstate Commerce Commission of date June 27, 1917, in its I. & S. Docket No. 1111, the carriers subject to the jurisdiction of this Commission be and they are hereby authorized, in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, to file under date of issue July 1, 1917, supplements to their tariffs applying on various grades and kinds of anthracite coal, in carloads, which operate to increase rates by 15 cents per ton, and which were filed to take effect July 1, 1917, for the purpose of postponing the proposed increased rates referred to until October 29, 1917. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commis-

sions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55.

Completed by proper supplements to tariff publications, filed by the various carriers.

No. 6652; The Long Island Railroad Company:

Ordered: That under its application therefor dated June 29, 1917, The Long Island Railroad Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, supplements to its freight tariffs P. S. C., 2 N. Y., Nos. 338, 423, and 436, for the purpose of providing rates to apply on carload and less than carload shipments to and from Camp Long Island, N. Y., and other stations on its line, such rates to be as set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the provisions of Circular No. 55, Rule 9(e), which are hereby temporarily waived as to tariffs P. S. C., 2 N. Y., Nos. 423 and 436.

No. El.-29; April 26, 1917; Incorporated Village of Rockville Center:

Ordered: That under its application therefor dated April 24, 1917, the Incorporated Village of Rockville Center be and is hereby authorized to file, effective May 15, 1917, on not less than five days' notice, amendments to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, establishing therein the charges and regulations set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of schedules of rates, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective May 15, 1917.

No. G-10; Norwich Gas and Electric Company:

Ordered: That under application therefor dated June 4, 1917, the Norwich Gas and Electric Company be and is hereby authorized to file a Third Revised Leaf No. 5 to General Schedule for Gas, P. S. C., 2 N. Y., No. 1, superseding Second Revised Leaf No. 5 filed to take effect June 18, 1917, and establish, effective June 17, 1917, on not less than five days' notice to the public and the Commission, as Service Classification No. 2, the rates set forth in exhibit attached to said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective June 17, 1917.

No. G-11; Homer and Cortland Gas Light Company:

Ordered: That under application therefor dated June 4, 1917, the Homer and Cortland Gas Light Company be and is hereby authorized to file a Second Revised Leaf No. 4 to General Schedule for Gas, P. S. C., 2 N. Y., No. 1, superseding First Revised Leaf No. 4 filed to take effect June 17, 1917, and an Original Leaf No. 5 to said general schedule, and establish, effective June 17, 1917, on not less than five days' notice to the public and the Commission, as Service Classifications Nos. 1 and 2, the rates set forth in exhibits attached to said application which are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective June 17, 1917.

No. G-12; Ithaca Gas and Electric Corporation:

Ordered: That under application therefor dated June 4, 1917, the Ithaca Gas and Electric Corporation be and is hereby authorized to file a Second

Revised Leaf No. 4 to General Schedule for Gas, P. S. C., 2 N. Y., No. 1, superseding First Revised Leaf No. 4 filed to take effect June 17, 1917, and an Original Leaf No. 5 to said general schedule, and establish, effective June 17, 1917, on not less than five days' notice to the public and the Commission, as Service Classifications Nos. 1 and 2, the rates set forth in exhibits attached to said applications which are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective June 17, 1917.

[Case No. 254]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 of the Railroad Law, as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of The New York Central Railroad Company and the Bronx Parkway Commission, as indicated by the respective signatures of the manager of the Grand Central Terminal Improvements of the railroad company and the engineer and secretary of the Bronx Parkway Commission, upon a plan marked "Map 364," showing the details of the west abutment of the viaduct to be constructed pursuant to a determination of this Commission dated December 16, 1915, in the matter above entitled; and upon the approval of the local authorities of the cities of Mount Vernon and Yonkers as indicated by letter from the mayor of the City of Mount Vernon and by letter from the city engineer of Yonkers, it is

Ordered: That said plan be and it is hereby approved.

[Case No. 4810]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the EMPIRE COKE COMPANY for authority under section 69 of the Public Service Commissions Law to issue \$300,000 of preferred stock.

Petition filed February 23, 1915; report of division of capitalization dated July 29, 1915; reports (2) of gas engineer dated October 14, 1915; final report of division of capitalization dated November 29, 1915; supplemental

petition filed May 25, 1917; memorandum of division of capitalization dated June 4, 1917.

The Empire Coke Company in its original petition in this case asked for authority to issue \$300,000 par value of its preferred stock, and to use the proceeds realized by its sale at par value to purchase at par \$100,000 common stock of the Empire Gas and Electric Company; to refund its existing obligations of \$170,855.25; and to use the balance of the proceeds for working capital. The indebtedness which was to be taken up with the proceeds of the stock was, upon examination, found to consist of obligations which had been incurred during the entire life of the petitioning company, and the Commission directed its accountants and engineers to examine and report upon all the capital transactions of the company. After considering the reports of these divisions, and after conferences in the matter, the Commission authorized the issuance of \$179,000 of the preferred stock and the use of its proceeds at par for the discharging of current liabilities of \$79,455 and for the purchase at par of \$100,000 of Empire Gas and Electric Company common capital stock, and ordered that the proceeding be continued upon its records pending the completion of the examination of the accounts and property of the company and any necessary adjustments therein. This examination has been completed and reported upon, but the Commission has withheld the entry of the final order, which would among other things require adjustments in the petitioner's accounts, pending the receipt of additional information which the petitioner is to furnish. The supplemental petition dated May 25, 1917, asks that the case be dismissed. Now therefore, upon the foregoing record,

Ordered: That the supplemental petition in this case dated May 25, 1917, which asks that the case be closed on the records of the Commission without further action, is hereby denied.

[Case No. 5593]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of THE SCOTTSVILLE SAND & GRAVEL COMPANY *against* THE PENNSYLVANIA RAILROAD COMPANY and the LEHIGH VALLEY RAILROAD COMPANY, asking that joint carload rates on sand and gravel from Scottsville, Monroe county, to various points in the State be reduced.

Complaint filed June 1, 1916; answer of The Pennsylvania Railroad Company filed June 30, 1916; answer of the Lehigh Valley Railroad Company filed July 7, 1916; hearings held in the city of Albany, N. Y., on August 4, 1916, and March 14, 1917. Appearances: George F. Slocum for the complainant; F. L. Ballard for the respondent. This is a complaint against the rates on sand and gravel shipped by the complainant from Scottsville, which are set forth in The Pennsylvania Railroad Company's joint freight tariff G. O., P. S. C., 2 N. Y., No. 785, issued in connection with the Lehigh Valley Railroad Company, effective February 23, 1915; and in supplement No. 33 to said G. O., P. S. C., 2 N. Y., No. 785, issued April 24, 1916, effective June 1, 1916. At the time this complaint was made the Lehigh Valley Railroad Company had in effect rates on crushed stone from North LeRoy to points on its lines east of that station which were less than the joint rates referred to in the foregoing tariff, and it is alleged in the complaint that said

joint rates are unjust and unreasonable to the extent that they exceed the rates on crushed stone from North LeRoy. The complainant's pit is located on the Scottsville branch of the Pennsylvania railroad, and it claims to ship crushed gravel which competes with crushed stone from North LeRoy. So far as the records show, the only shipments which have been made by the complainants under the joint rates are some 16 carloads of sand and gravel which were shipped in 1915 to Honeoye Falls. There is no record of any other shipments to points on the Lehigh Valley railroad moving under the aforesaid joint rates. The respondent, The Pennsylvania Railroad Company, introduced in evidence certain figures showing that the rates on sand on its northern division were the same as on the Lehigh Valley railroad from Buffalo. There is no evidence before us which would justify us in finding that the respondents ought to make the joint rates on sand and gravel meet the rates on crushed stone from North LeRoy. The Pennsylvania Railroad Company contends that the crushed stone rates in question are undoubtedly low, but we have no information as to the basis on which these rates were made. The complainant contends that the Commission ought to require joint rates to be put into effect from Scottsville which would not be more than 10 cents in excess of the rates on crushed stone from North LeRoy. There is no evidence before us to justify such a determination. The joint rates complained of are more or less out of line and should probably be revised. With this in view, a schedule of proposed rates was introduced in evidence, but the Commission is not prepared to give its approval to this proposed schedule at the present time. Inasmuch as the rate from Scottsville to Rochester for New York Central delivery is 42 cents a ton, and the rate from Scottsville to Rochester Junction now under complaint is also 42 cents a ton for substantially the same movement, it would seem that this particular rate should be continued in force at least until such time as the carriers are able to justify an increase above that rate. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed.

[Case No. 5650]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of THE SCOTTSVILLE SAND & GRAVEL COMPANY *against* THE PENNSYLVANIA RAILROAD COMPANY as to rate on sand and gravel between Scottsville and Garbutt.

Complaint filed August 1, 1916; answer filed August 12, 1916; hearings held in the city of Albany on October 5, 1916, and March 14, 1917. The complainant operates a sand and gravel pit which is located on the Scottsville branch of the Pennsylvania railroad between Scottsville and Garbutt. It ships sand and gravel from this pit to various points in the western part of the State of New York. In 1911 the railroad company established a tariff of \$5 per car for sand from this pit to Garbutt. This rate was put into effect on the representation to the railroad company that a large amount of this material was to move to Garbutt. In August, 1914, the tariff was enlarged to include gravel and stone, it having been represented to the railroad company that these commodities were also to be used at Garbutt for the construction of state roads. This rate was intended to cover only this local movement to Garbutt. The \$5 rate was continued until July 24, 1916, when it was advanced to 26 cents per net ton, by virtue of supplement No. 11

to S. S., P. S. C., 2 N. Y., No. 866. The complainant now attacks the rate of 26 cents per net ton, claiming that the same is unjust and unreasonable and destructive of its business with customers at Garbutt and at other points on the Buffalo, Rochester and Pittsburgh railway. Notwithstanding the fact that the \$5 rate was made in anticipation of a large traffic movement, the president of the complainant, who was the only witness for it, testified that only four cars were shipped from the pit of the complainant to Garbutt for use there during the last five years that the \$5 rate was in effect, and that for the year ending June 30, 1916, the total shipments moving under that rate amounted to 73 cars, all of which went to points either north or south of Garbutt. The last mentioned cars moved on 22 days of the year only, leaving 343 days on which there was no movement at all. The records also show that from December 21, 1915, to April 14, 1916, there were no shipments whatever. It is therefore apparent that the traffic is not at all regular throughout the year.

It seems that the complainant has been consigning cars to itself at Garbutt, placing the same on a siding of the Lycoming Calcining Company, from which they are reconsigned to points on the B., R. & P. In that way the complainant avoids the joint rates in force between the respondent and the B., R. & P. to points to which sand and gravel are shipped by the complainant which are somewhat higher than the combination of the \$5 rate to Garbutt and the local rate on the B., R. & P. Garbutt is not a point of interchange between the respondent and the B., R. & P. through which a joint rate would apply. The complaint is really against an increase in the rate between its pit and Garbutt, because it is thereby compelled to pay a higher rate to points on the B., R. & P. There was no evidence of any other shipper obtaining any lower rate on sand to Garbutt, and it also appeared that none of the other railroads in that vicinity made any lower rate for a similar haul. The complainant is not supplying any substantial quantity of sand or gravel at Garbutt for local use, but such material as is now being used there is being handled by motor trucks from another pit. To provide the service required by the complainant, the respondent is obliged to haul empties from the Rochester yards, a distance of something over 11 miles from the pit, to the point where the branch line connects with the main line between Rochester and Olean. At this point empties are detached from the train, and the engine switches them in over the branch line to the pit and also places them at the point required in the pit. After they are loaded, they are hauled out of the pit by respondent's locomotive, and those which are destined for Garbutt are hauled to that point. For the service performed by the respondent as hereinbefore set forth, it does not seem as though the rate complained of is unreasonable. In any event, nothing appears in the record to justify a finding that it is unreasonable. Beyond this, the Commission would not be justified in finding that the rate complained of is unreasonable merely because it compels the complainant, if it continues its practice of shipping to Garbutt and then reconsigning cars to points on the B., R. & P., to pay rates substantially the same as the through rates now in effect via the Pennsylvania railroad and the B., R. & P. through regular interchange points in accordance with regular tariff schedules. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 6039]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 3rd day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the **ELMIRA WATER, LIGHT AND RAILROAD COMPANY** under section 53 of the Public Service Commissions Law for permission to construct in the city of Elmira, on West Thurston street, an extension of its street surface railroad; and for approval of the exercise of a franchise therefor received from the city.

Elmira Water, Light and Railroad Company having duly presented its petition under section 53 of the Public Service Commissions Law for permission to construct in the city of Elmira, on West Thurston street, an extension of its street surface single track railroad, and for approval of the exercise of a franchise therefor received from the city; and the proceeding having duly come on to be heard before Commissioner Barhite at the Common Council Chamber of the City of Elmira on the 21st day of June, 1917, at which time said petitioner appeared by William Flannery, esq., as counsel; and the City of Elmira appeared by Boyd McDowell, esq., its corporation counsel; and due proof of due publication of the pendency of this proceeding having been made and filed; and it further appearing that a certificate of extension of said proposed route has been duly filed and recorded in the office of the Secretary of State and in the office of the clerk of Chemung County, and that the common council of the City of Elmira did, on the 19th day of March, 1917, duly grant the said Elmira Water, Light and Railroad Company a consent or franchise to build or construct and operate a street surface single track railroad for public use and conveyance of persons and property in, through, upon, and along the surface of West Thurston street in the city of Elmira, New York, and that the consent was duly approved by the mayor of the City of Elmira; and it duly appearing to this Commission from the records and proofs in this case that public convenience and necessity require the construction, maintenance, and operation of the street surface single track railroad described in said franchise granted by said City of Elmira, it is

Ordered: That the franchise or consent heretofore granted by the common council of the City of Elmira to the Elmira Water, Light and Railroad Company on the 19th day of March, 1917, and thereafter duly approved by the mayor of said city, be and the same is hereby approved; and permission is hereby granted to said Elmira Water, Light and Railroad Company to build, construct, and maintain a street surface single track railroad for public use and for the conveyance of persons and property in cars, for compensation, in, through, upon, and along the surface of West Thurston street in the city of Elmira, New York, beginning at the intersection of the center line of West Thurston street and College avenue at a point in the present tracks of said corporation, and extending thence northwesterly along and upon West Thurston street to a point where the northwesterly line of West Side avenue intersects the center line of West Thurston street, said point being in the tracks of said corporation as now constructed; said railroad to be operated by any motive power other than locomotive steam power, which now or at any time hereafter may lawfully be employed thereon, together with all the necessary connections, switches, sidings, and turnouts for the convenient working of said railroad, together with the right to cross streets, and construct all necessary poles and string wires thereupon as provided in said franchise.

Further Ordered: That said Elmira Water, Light and Railroad Company shall not construct said railroad upon, along, through, or across said street until it shall first obtain the consent of the Highway Department of the State of New York.

[Case No. 6041]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 3rd day of
July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of CHARLES L. POWELL under section 53 of the Public Service Commissions Law for permission to construct in the town of Victor, Ontario county, a railroad siding and switch to connect with the Auburn branch of the New York Central railroad; and for approval of the exercise of franchises and right to cross a highway.

Charles L. Powell, town of Victor and State of New York, having duly made a petition to this Commission under section 53 of the Public Service Commissions Law, and section 32 of the Railroad Law, for permission to construct in the town of Victor, Ontario county, New York, a siding to connect with the Auburn branch of the New York Central railroad, and for approval of the exercise of franchises and right to cross a highway; and the said application having come on for hearing before Commissioner Barhite at the city of Rochester on the 16th day of June, 1917, Charles L. Powell appearing in person; and The New York Central Railroad Company appearing by Harris, Beach, Harris and Matson; George W. Powell, esq., county superintendent of highways, appearing for the Ontario County highway department; M. E. McMahon, esq., superintendent of highways, appearing for the Town of Victor; John A. Osborne, esq., a member of the town board of Victor, also appearing; together with John Ashe of Rochester, New York, train-master of The New York Central Railroad Company; and due proof of the due publication of a notice of said hearing having been made and filed; and due proof having been made and filed that the town board of the Town of Victor, county of Ontario, New York, and Michael E. McMahon, superintendent of highways of the Town of Victor, have consented to the construction of said switch; and it appearing that at a special term of the Supreme Court held at the courthouse in the city of Rochester on the 19th day of May, 1917, an order was duly made granting to the petitioner, Charles L. Powell, pursuant to section 21 of the Railroad Law, permission to construct and maintain said railroad siding and switch across Powell road at the point indicated in the petition in this proceeding, subject to such requirements and conditions as may be imposed by the Public Service Commission; and it further appearing that the owners of all the land bounded on that portion of said highway upon which it is proposed to construct and maintain such siding or switch have duly consented to the construction and operation of said switch; and it appearing from the record and proofs that public convenience and necessity require the construction and operation of such switch, it is

Ordered: That the franchise duly granted to said Charles L. Powell by the local authorities of the Town of Victor, county of Ontario, New York, on the 16th day of May, 1917, be and the same is hereby approved.

Further Ordered: That said petitioner, Charles L. Powell, be and he is hereby authorized to construct and maintain a railroad switch and siding

across the highway in said town of Victor known as the Powell road, from the Auburn branch of The New York Central Railroad Company to petitioner's place of business in said town of Victor, substantially upon the course and at the place and in the manner indicated upon a map filed by said petitioner in this proceeding, said switch and siding to cross said highway where the center of said highway shall be 137 feet westerly from the center of the highway bridge measuring along the center of said highway.

Further Ordered: That said permission and consent are hereby granted only upon the following terms and conditions: namely, that the top surface of the rails of the tracks crossing said highway shall be laid even with the traveled portion of said highway, and that all spaces between said tracks and for at least one foot from the outside of each of said tracks shall be covered with plank for a distance of sixteen feet across the traveled portion of said highway, the upper surface of said planks to be laid not more than one inch below the upper surface of the rails: Proper and sufficient cattle-guards shall be placed at each side of the highway. A signboard of sufficient height and with suitable words to warn travelers of the existence of the crossing shall be erected in a position where it may be seen from the roadway at least one hundred and fifty feet from the crossing on each side of the tracks. A man shall precede any cars or locomotives that cross said highway by a distance of at least fifty feet. He shall carry a lighted lamp in his hand between the hours of sunset and sunrise.

Further Ordered: That said highway shall not be crossed without first obtaining the consent of the Highway Department of the State of New York.

Further Ordered: That said Charles L. Powell shall within ten days after the receipt of service of a certified copy of this order notify the Public Service Commission, Second District, whether the terms of this order are accepted and will be obeyed by him.

[Case No. 6054]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of NEW YORK STATE RAILWAYS under section 53, Public Service Commissions Law, for permission to construct in Burnet avenue, in the city of Syracuse, connecting track or tracks; and for approval of the exercise of a franchise therefor received from the city.

New York State Railways asks, under section 53 of the Public Service Commissions Law, for permission to construct a connecting track or tracks in Burnet avenue, in the city of Syracuse, and for approval of the exercise of a franchise therefor received from said city. The franchise and application contemplate the construction of a track on a curve from the company's lines in Burnet avenue already constructed, across one-half of the street, in order to reach private property of the company where it is proposed to construct additional tracks in order to expedite the movement of its cars in the city of Syracuse and thereby improve its service. A public hearing was held in the city of Syracuse June 28, 1917, at which the applicant appeared, and there was no appearance in opposition. It is determined and stated that public convenience and necessity require the construction of said track or tracks and the approval of said franchise, and it is therefore

Ordered: 1. That the permission and approval of the Commission be given to New York State Railways to construct, maintain, and operate over connecting tracks extending from its tracks on Burnet avenue, at and east of the intersection of Fairview avenue and Burnet avenue, and running thence northeasterly to the north property line of Burnet avenue as shown on blueprint on file with application.

2. That the permission and approval of the Commission be given to said New York State Railways to exercise the rights and privileges conferred by a franchise granted by the common council of the City of Syracuse April 23, 1917, signed by the mayor April 26, 1917, and approved by the board of estimate and apportionment May 8, 1917, subject to all the terms and conditions thereof.

[Case No. 6055]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of NEW YORK STATE RAILWAYS under section 53, Public Service Commissions Law, for permission to construct in Elm street and Burnet avenue, in the city of Syracuse, a single track curve connecting existing tracks; and for approval of the exercise of a franchise therefore received from the city.

New York State Railways asks, under section 53 of the Public Service Commissions Law, for permission to construct a single track curve connecting existing tracks in Elm street and Burnet avenue, and for approval of the exercise of a franchise therefor received from said city. The franchise and application contemplate the construction of a track on a curve from the company's lines in Elm street already constructed, to connect with the southerly track of the company in Burnet avenue, in order to expedite the movement of its cars in the city of Syracuse and thereby improve its service. A public hearing was held in the city of Syracuse June 28, 1917, at which the applicant appeared, and there was no appearance in opposition. It is determined and stated that public convenience and necessity require the construction of said track and the approval of said franchise, and it is therefore

Ordered: 1. That the permission and approval of the Commission be given to New York State Railways to construct, maintain, and operate over a curve at the intersection of Elm street and Burnet avenue, connecting its present single track in Elm street with its southerly track in Burnet avenue as shown on blueprint on file with the application.

2. That the permission and approval of the Commission be given to said New York State Railways to exercise the rights and privileges conferred by a franchise granted by the common council of the City of Syracuse April 28, 1917, signed by the mayor April 28, 1917, and approved by the board of estimate and apportionment May 8, 1917, subject to all the terms and conditions thereof.

[Case No. 6056]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of NEW YORK STATE RAILWAYS under section 53, Public Service Commissions Law, for permission to construct in Lodi and Oak streets, in the city of Syracuse, a single track curve connecting existing tracks; and for approval of the exercise of a franchise therefor received from the city.

New York State Railways asks, under section 53 of the Public Service Commission Law, for permission to construct a single track curve connecting existing tracks in Lodi and Oak streets, in the city of Syracuse, and for approval of the exercise of a franchise therefor received from said city. The franchise and application contemplate the construction of a single track curve at the intersection of Lodi and Oak streets in the city of Syracuse, to connect an existing single track of the company's railroad in Lodi street with the easterly track of existing double track of the company's railroad in Oak street, in order to expedite the movement of cars in the city of Syracuse and thereby improve its service. A public hearing was held in the city of Syracuse June 28, 1917, at which the applicant appeared, and there was no appearance in opposition. It is determined and stated that public convenience and necessity require the construction of said track and the approval of said franchise, and it is therefore

Ordered: 1. That the permission and approval of the Commission be given to New York State Railways to construct, maintain, and operate over a curve at the intersection of Lodi and Oak streets, connecting the present single track in Lodi street with its easterly track in Oak street, as shown on blueprint on file with the application.

2. That the permission and approval of the Commission be given to said New York State Railways to exercise the rights and privileges conferred by a franchise granted by the common council of the city of Syracuse April 23, 1917, signed by the mayor April 26th, and approved by the board of estimate and apportionment May 8, 1917, subject to all the terms and conditions thereof.

[Case No. 6057]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of NEW YORK STATE RAILWAYS under section 53, Public Service Commissions Law, for permission to construct in James and Townsend streets, in the city of Syracuse, a single track curve connecting existing tracks; and for approval of the exercise of a franchise therefor received from the city.

New York State Railways asks, under section 53 of the Public Service Commissions Law, for permission to construct a single track curve connecting

existing tracks in James and Townsend streets, in the city of Syracuse, and for approval of the exercise of a franchise therefor received from said city. The franchise and application contemplate the construction of a single track curve at the intersection of James and Townsend streets in the city of Syracuse, to connect the easterly track of the double track of the company's railroad in Townsend street south of James street with the easterly track of the double track of the company's railroad in Townsend street north of James street, in order to expedite the movement of its cars in the city of Syracuse and thereby improve its service. It is determined and stated that public convenience and necessity require the construction of said track and the approval of said franchise, and it is therefore

Ordered: 1. That the permission and approval of the Commission be given to New York State Railways to construct, maintain, and operate over a curve at the intersection of James and Townsend streets, connecting its easterly track in Townsend street south of James street with its easterly track in Townsend street north of James street, as shown on blueprint on file with application.

2. That the permission and approval of the Commission be given to said New York State Railways to exercise the rights and privileges conferred by a franchise granted by the common council April 23, 1917, signed by the mayor April 28, 1917, and approved by the board of estimate and apportionment May 8, 1917, subject to all the terms and conditions thereof.

[Case No. 6058]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of NEW YORK STATE RAILWAYS under section 53, Public Service Commissions Law, for permission to construct in South Wilbur avenue, in the city of Syracuse, at two points, a single track, being part of a loop which will be partly on private right of way; and for approval of the exercise of a franchise therefor received from the city.

New York State Railways asks, under section 53 of the Public Service Commissions Law, for permission to construct a single track in South Wilbur street, in the city of Syracuse, at two points, being part of a loop which will be partly on private right of way, and for approval of the exercise of a franchise therefor received from said city. The franchise and application contemplate the construction of a single track on curves at two points on South Wilbur street from the company's lines already constructed, as a part of a loop to be constructed north of company's lines on South Wilbur street, in order to expedite the movement of its cars in the city of Syracuse and thereby improve its service. A public hearing was held in the city of Syracuse June 28, 1917, at which the applicant appeared, and there was no appearance in opposition. It is determined and stated that public convenience and necessity require the construction of said track and the approval of said franchise, and it is therefore

Ordered: 1. That the permission and approval of the Commission be given to New York State Railways to construct, maintain, and operate over a loop extending from a point in its present northeasterly track in South Wilbur avenue about thirty-two feet northwesterly from the center of Coleridge

avenue, and running thence northerly about eighty feet to the northeasterly line of South Wilbur avenue; also beginning at a point in its present southwesterly track about one hundred and thirty-five feet northwesterly from the center of Coleridge avenue, running thence northerly about eighty-eight feet to the northeasterly line of South Wilbur avenue, as shown on blueprint on file with the application.

2. That the permission and approval of the Commission be given to said New York State Railways to exercise the rights and privileges conferred by a franchise granted by the common council of the City of Syracuse April 23, 1917, signed by the mayor April 26th, and approved by the board of estimate and apportionment May 8, 1917, subject to all the terms and conditions thereof.

[Case No. 6059]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of NEW YORK STATE RAILWAYS under section 53, Public Service Commissions Law, for permission to construct in Cortland avenue, in the city of Syracuse, at two points, a single track, being part of a loop which will be partly on private right of way; and for approval of the exercise of a franchise therefor received from the city.

New York State Railways asks, under section 53 of the Public Service Commissions Law, for permission to construct a single track at two points in Cortland avenue, in the city of Syracuse, as a part of a loop which will be partly on private right of way, and for approval of the exercise of a franchise therefor received from said city. The franchise and application contemplate the construction of a single track at two points on Cortland avenue on curves from the company's line already constructed, as a part of a loop to be constructed west of the lines of the company on Cortland avenue, in order to expedite the movement of its cars in the city of Syracuse and thereby improve its service. A public hearing was held in the city of Syracuse June 28, 1917, at which the applicant appeared, and there was no appearance in opposition. It is determined and stated that public convenience and necessity require the construction of said track and the approval of said franchise, and it is therefore

Ordered: 1. That the permission and approval of the Commission be given to New York State Railways to construct, maintain, and operate over a loop extending from a point in its present track in Cortland avenue about one hundred eighty-six feet northerly from the center of Pinnacle street, and running thence southwesterly across Cortland avenue about sixty-two feet to the westerly line of Cortland avenue; and also beginning at a point in said westerly line of Cortland avenue and running thence northeasterly about sixty-two feet to a point in its said present track in Cortland avenue about ninety-eight feet northerly from the center of Pinnacle street, as shown on blueprint on file with the application.

2. That the permission and approval of the Commission be given to said New York State Railways to exercise the rights and privileges conferred by a franchise granted by the common council of the city of Syracuse April 23, 1917, signed by the mayor April 26th, and approved by the board of estimate and apportionment May 8, 1917, subject to all the terms and conditions thereof.

494 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6062]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK LEVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the increase in freight rates by 15 per cent proposed by carriers generally in schedules filed to take effect July 1, 1917.

Supplemental order No. 1.

The Commission, by order dated June 27, 1917, suspended the operation and use until October 28, 1917, of the schedules filed with it by carriers subject to its jurisdiction, which provided for increases approximating 15 per cent in freight rates, except rates on coal, coke, and iron ore, to take effect July 1, 1917. By petition dated July 6, 1917, the carriers subject to the jurisdiction of this Commission applied to it for authority to cancel, not later than July 15, 1917, and on not less than one day's notice, the schedules suspended by said order of June 27, 1917, stating that similar action as to the application of the interstate rates therein contained would be taken under authority of the Interstate Commerce Commission's decision No. 57 [*ex parte*], in case known as the "Fifteen Per Cent Case"; and it appearing to the Commission that the petition of the carriers subject to its jurisdiction should be granted, it is

Ordered: 1. That the carriers subject to the jurisdiction of this Commission, or their duly authorized agents, be and they are hereby authorized to file with the Commission, on not less than one day's notice to the public and the Commission and effective not later than July 15, 1917, schedules withdrawing and canceling the schedules containing the increased rates that were filed with the Commission to take effect July 1, 1917, and which were suspended until October 28, 1917, by this Commission's order in this case of date June 27, 1917.

2. That the carriers subject to the jurisdiction of this Commission, or their duly authorized agents, be and they are hereby authorized to effect the cancellation of the aforesaid schedules now under suspension in the same manner and form as authorized by the Interstate Commerce Commission with respect to similar schedules applicable to interstate traffic.

[Case No. 6072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petitions of carriers for relief from the provisions of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917.

Section 36, order No. 1.

Upon application of carriers subject to the jurisdiction of this Commission, such carriers were authorized by special permission No. 6658, of date July 6, 1917, to publish and file with the Commission, on not less than five days' notice to the public and the Commission, schedules providing for increases approximating 15 per cent in class rates applicable to the transportation of freight between points within and subject to this Commission's jurisdiction. It appearing of record, hearing July 6, 1917, in case No. 6062, that the carriers had submitted to the Commission recently a petition for relief from compliance with the provisions of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917, as to proposed increased rates contained in certain schedules filed prior to June 9, 1917, to take effect on or after June 9, 1917, which were in some instances less for longer than for shorter distances over the same line or route, and which were in some instances greater as through rates than the aggregate of intermediate rates, and that action thereon was not necessary on account of this Commission's order of date June 27, 1917, in case No. 6062, suspending until October 28, 1917, the schedules containing such proposed increased rates; and its supplemental order No. 1 in said case dated July 6, 1917, authorizing the withdrawal and cancellation on or before July 15, 1917, of the referred to schedules, but with respect to the proposed increased class rates to be contained in the schedules to be filed under special permission No. 6658, temporary relief from the operation of said section 36 is necessary, and the carriers requested that as to such rates they be granted the same measure of relief as the provisions of said section 36 grant as to rates or charges lawfully existing at the time said section became effective; and it appearing to the Commission after due consideration that the relief sought should be granted, in order to permit ordinary changes in rates or charges pending action upon specific applications for such relief, it is

Ordered: That with respect to increased class rates authorized to be published and filed with the Commission on not less than five days' advance notice to the public and the Commission, in pursuance of the Commission's special permission No. 6658, dated July 6, 1917, carriers subject to the jurisdiction of this Commission be and they are hereby granted relief from the operation of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917, until such time as specific applications for desired relief are filed, by the carriers individually or collectively, with the Commission, but not for a longer period of time than until December 9, 1917, to the extent that any of such increased rates may be less for a longer than for a shorter haul over the same line or route in the same direction, and to the extent that any of such increased class rates may be greater than the aggregate of intermediate rates over the same line or route in the same direction. The Commission does not hereby approve any rates that may be filed under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

496 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5076]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the VILLAGE OF SCARSDALE and THE NEW YORK CENTRAL RAILROAD COMPANY under section 91 of the Railroad Law for changes in the bridge carrying Popham road over the tracks of the New York and Harlem railroad in said village of Scarsdale, and also changes in the approaches to such bridge.

At a hearing held in the above matter September 22, 1915, and at an adjourned hearing on October 1, 1915, Mr. John Fitzgibbons, legislative representative of the Brotherhood of Railroad Trainmen for the State of New York, objected to the order of the Commission in case No. 771, dated March 2, 1909, with respect to trainmen being on the tops of cars, engines, etc., when switching within the electric zone of the New York Central railroad, claiming that the provisions of subdivision 1 thereof did not properly protect the men thus engaged; and that since the bridge involved in the case under discussion was at that time at full clearance, the lowering thereof to a clearance less than 21 feet would involve additional danger to the trainmen employed by the company. Several conferences were held for the purpose of modifying the above named subdivision of the order of the Commission in case No. 771, so that proper protection might be provided at all points on said railroad where bridges were lower than 21 feet above the tops of rails. Now therefore

Ordered: That subdivision 1 of the order of this Commission in case No. 771, made March 2, 1909, be and hereby is amended to be as follows:

1. That for the purpose of insuring safety to employees engaged in the operation of trains or the movement of freight cars upon the electric division of the New York Central railroad, the said railroad company be and it hereby is directed and required to wholly cease and desist from in anywise requiring, permitting, or allowing, and by proper rules shall forbid any train or other employee to go upon, ride upon, or in any exigency work upon, the top or roof of any locomotive, motor, car, or caboose, or upon the water tank or above the coal load of any locomotive tender, while the said locomotive, tender, motor, car, or caboose is in motion; but this restriction shall not apply to switching operations at stations or in yards except when the same are being performed on main running tracks between an overhead bridge or other obstruction and the telltales protecting the same.

[Case No. 5419]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the petition of HAMMOND LIGHT AND POWER COMPANY, INC., under section 68 of the Public Service Commissions Law for permission to construct an electric plant and lines in the incorporated village of Hammond, St. Lawrence county, and for approval of the exercise of rights and privileges under a franchise therefor received from said village; and under section 69 of the Public Service Commissions Law for authority to issue \$10,000 common capital stock. Also joint petition under section 70 of William Soper and Hammond Light and Power Company, Inc.

Petition filed February 7, 1916; supplemental petition filed March 1, 1916; report of division of light, heat, and power dated May 24, 1916; hearing held August 11, 1916; report of division of capitalization dated August 14, 1916; orders (2) entered August 16, 1916; statement containing allocation of fixed capital filed May 19, 1917. In this matter, clause No. 4 of the order entered herein on the 16th day of August, 1916, provided as follows:

4. That this proceeding is continued on the records of this Commission until the property herein authorized to be purchased shall have been acquired and the new construction authorized to be done shall have been completed and an allocation of the petitioner's property to the fixed capital accounts as prescribed in the Uniform System of Accounts for Electrical Corporations shall have been submitted to and approved by this Commission.

Under date of May 19, 1917, the company submitted a statement containing the required detail of fixed capital. Now therefore it is

Ordered: That the said distribution of fixed capital of the Hammond Light and Power Company, Inc., as of October 1, 1916, filed under date of May 19, 1917, is hereby approved, and the company is authorized and directed to spread upon its books the amount of the same among the appropriate accounts prescribed by the Uniform System of Accounts for Electrical Corporations, and to file within thirty days of the service of this order an affidavit of such fact, together with a copy of the journal entry making such distribution.

[Case No. 5740]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of inquiry instituted by the Commission to determine the status of the NORTH BUFFALO RAILROAD COMPANY.

It having been brought to the attention of the Commission that the North Buffalo Railroad Company was operating a railroad for public use in the

conveyance of property for compensation without having received a certificate of convenience and necessity and without complying with other provisions of the Public Service Commissions Law and the Railroad Law, the Commission of its own motion entered upon an inquiry as to the status of said company. It appeared that the railroad in question was built by the Wickwire Steel Company as a plant facility; that thereafter, to wit January 31, 1912, the steel company had leased said railroad with its locomotives and other property and equipment to the North Buffalo Railroad Company, apparently a subsidiary company of the steel company. Said lease has now been canceled and the property returned to the possession of the steel company which proposes to resume its operations as a plant facility. A copy of the agreement whereby said lease was canceled has been filed with the Commission. It is therefore

Ordered: That the case be and the same hereby is closed on the records of the Commission.

[Case No. 5878]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of CHARLES BRUTCHER, school trustee, under section 53, Railroad Law (as amended by chapter 559, laws of 1915), against THE NEW YORK CENTRAL RAILROAD COMPANY, asking for protection at the crossing at grade of said company's freight tracks cut-off and the LeMoyne road highway in the town of Salina, near Syracuse.

The complainant asks for additional protection of a grade crossing in the town of Salina where an extension of LeMoyne street crosses the freight tracks of the New York Central railroad. The present protection is by a standard crossing-sign. A public hearing was held in Syracuse June 28, 1917, at which the respondent appeared and no one appeared for the complainant. The complainant has since explained to the Commission that he was misdirected and was sitting in another room than that appointed for the hearing. The sitting Commissioner inspected the crossing in controversy. Physical conditions indicate that the vehicular traffic is extremely light. The road is unimproved. It is said that a considerable number of children have occasion to use the crossing during the school year, but there are few houses in the immediate neighborhood which is well outside of the city of Syracuse. Views of the crossing from the south are somewhat restricted at certain points. There are three tracks, the southernmost being westbound and the other two eastbound. Approaching from the south, the track can be seen at different points from three hundred to thirty feet along the highway for distances running from one hundred to six hundred feet. Within thirty feet of the tracks the view is much more extended. The eastbound tracks can be seen from the same points at varying distances from one hundred feet to one mile. The views from the north are practically unobstructed. Every grade crossing presents a situation of more or less danger. The danger at this one is comparatively slight. The complainant thinks the only adequate protection would be by constructing an underpass. There is an improved highway now about one-third of a mile to the west with an underpass, and this highway probably carries nearly all the traffic. Practical safety might be secured by means of a watchman. Conditions arising out of the entrance of the United

States into the European war render the elimination of the crossing at this time impracticable and the stationing of a watchman inadvisable. In view of the light traffic and slight danger the Commission would not be justified in requiring such services of a man or men whose services are much more needed elsewhere. It is therefore

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 6034]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 10th day of July, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE DEPEW AND LANCASTER LIGHT, POWER AND CONDUIT COMPANY under section 69, Public Service Commissions Law, for authority to issue \$100,000 in first mortgage 5 per cent 40-year gold bonds under an existing mortgage, and \$45,000 in 7 per cent cumulative preferred capital stock.

Petition filed May 28, 1917; report of division of light, heat, and power dated July 5, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Depew and Lancaster Light, Power and Conduit Company is hereby authorized to issue \$100,000 face value of its 5 per cent 40-year first mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of August, 1914, given to the Fidelity Trust Company of Buffalo as trustee, to secure an authorized issue of a total face value of \$1,000,000.

2. That The Depew and Lancaster Light, Power and Conduit Company is hereby authorized to issue \$45,000 par value of its 7 per cent cumulative preferred capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least \$45,000.

3. That said bonds of the total face value of \$100,000 may be sold for not less than 80 per cent of their face value and accrued interest to give net proceeds of at least \$80,000.

4. That said bonds and stock of the face and par value of \$145,000 so authorized, or the proceeds thereof to the amount of \$125,000, shall be used solely and exclusively for extensions, improvements, and betterments to the plant and system of the petitioner as detailed in exhibit A of the petition herein, \$125,000; in so far as the same may be applicable, provided (a) that such bonds and stock or the proceeds thereof shall be applied on such new construction described above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Electrical and Gas Corporations adopted by this Commission; (b) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (c) that if there shall be required for the aforesaid purposes subject to the limitations

herein contained a sum less than an amount equal to the face and par value of the bonds and stock herein authorized, no portion of the proceeds of the bonds and stock herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission.

5. That if the said bonds and stock of a total face and par value of \$145,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$125,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by The Depew and Lancaster Light, Power and Conduit Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That The Depew and Lancaster Light, Power and Conduit Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the securities herein authorized for each of the purposes specified herein and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which the expenditures for such purposes have been charged, giving all details of the credits if any to fixed capital in connection with such expenditures; (g) a summary of the expenditures during the period covered by the report for each of such purposes; (h) a summary by the prescribed accounts of the expenditures during such period. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

8. That the company shall within thirty days of the service of this order advise the Commission whether or not it accepts the same with all its terms and conditions.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 3974]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the STATE COMMISSION OF HIGHWAYS under section 90 of the Railroad Law for a determination as to the manner in which state highway No. 5389 shall cross the tracks of the New Jersey and New York Railroad Company (Erie Railroad Company, lessee) at a point a short distance south of the railroad company's West Haverstraw station, in the town of Haverstraw, Rockland county.

Ordered: 1. That an accounting entered into by the New Jersey and New York Railroad Company with the State Commission of Highways showing expenditures to the amount of \$6756.66, including interest, properly and necessarily incurred in carrying out the Commission's orders in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$6625.74 has been expended by the railroad corporation and the sum of \$130.92 has been expended by the State of New York; the said accounting having been accepted by the railroad corporation as indicated by the signature of its comptroller, and by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total cost of \$6756.66 thus expended and herein accounted for, the share and the amount chargeable to the New Jersey and New York Railroad Company in the sum of \$3378.33, and the share of the State of New York is \$3378.33 upon which it is entitled to a credit of \$130.92 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said New Jersey and New York Railroad Company from funds appropriated for the improvement of highways the sum of \$3247.41.

[Case No. 5942]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS BETWEEN PHILADELPHIA AND MASSENA SPRINGS *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking that a passenger train be operated, leaving Watertown at 6:20 a. m. and arriving at Massena Springs at 10 a. m., in lieu of one now leaving Watertown at 7:35 a. m., arriving at Massena Springs at 11 a. m.

A large number of residents of places on or near the St. Lawrence division of the New York Central railroad between Philadelphia and Massena Springs

ask that The New York Central Railroad Company operate a train leaving Watertown at 6:20 a. m. and arriving at Massena Springs at 10 a. m., in lieu of a train now leaving Watertown at 7:35 a. m. and arriving at Massena Springs at 11 a. m. A public hearing was held in Watertown at which there were a number of appearances both for and against the complaint. Under the present arrangement, train No. 59 leaves Utica at 4 a. m., carrying a mail car, a coach, and a sleeper to Ogdensburg; an express car bound to Watertown; a milk car bound to Gouverneur; and a mail car, an express car, and a sleeper bound for Massena Springs. This train arrives at Carthage at 6:25 a. m. The Ogdensburg cars then proceed by way of Philadelphia to Ogdensburg. The remainder of the train is taken to Watertown, where the cars for Gouverneur and Massena Springs are placed on train 17, leaving Watertown at 7:35 and arriving at Massena Springs at 11 o'clock, as stated in the complaint. What the complainants desire is that the Gouverneur and Massena Springs cars be taken from Carthage to Philadelphia, and that an earlier train from Watertown pick them up at Philadelphia and carry them to their destination. It is thought in this way the schedule can be made about one hour earlier at each station. On the hearing, it appeared that the principal complaint was because of the late arrival of mails at points between Philadelphia and Massena Springs. No serious inconvenience is felt west of Gouverneur. East of that point there is undoubtedly a serious inconvenience. While the Commission has in other cases given some consideration in such matters to the convenience of mail service, it is clearly beyond the power of the Commission to direct the schedules of trains for the purpose of regulating that service. To so do would be a direct interference with the exclusive authority of the Federal Government over the postal service. It appears also that the convenience of a number of persons would be subserved by the early arrival of the train in Canton. This is because Canton is the county seat, and No. 17 does not arrive there until 9:43 a. m. The inconvenience arising from this cause exists as a practical matter only during the few brief intervals when court is in session. There was also some evidence of inconvenience suffered in going to Massena Springs on business because of the late arrival of the train there. Any inconvenience existing outside of the mail service seems too slight to warrant a radical change in the schedule of these trains, provided the change itself would work any considerable inconvenience to other people or other communities. The Massena Springs sleeper carries a considerable number of passengers to Watertown. If these passengers continue to ride on this car, it would be necessary for them to leave it at Carthage at 6:25 a. m. It is true that a later train carries a sleeper from New York to Watertown, and under ordinary circumstances this might be sufficient to take care of the Watertown travel. We must, however, take notice of the fact that there is at present at Watertown a large encampment; that the travel to and from there is this Summer unusually heavy, and that the Watertown mail is correspondingly increased. Under the proposed change the Watertown mail would have to be transferred at Carthage or else an extra mail car for Watertown put on at Utica. The railroad company contends that the train is already as heavy as can be drawn by one engine. Furthermore, the trains involved have a number of connections at points on the rather intricate system of lines serving the "North Country". Many of these connections would be broken, and in order to avoid great inconvenience thereby it might become necessary to make a rearrangement of all timetables in that part of the State. If this is to be done, it should be in connection with a general timetable revision. It is recommended that the railroad company give serious consideration to the subject of the complaint in connection with its next timetable revision. At that time some of the conditions now affecting the subject may have changed. No order for an immediate change should be made. It is therefore

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 5943]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of LOUIS MICKLIN *against* NEW YORK TELEPHONE COMPANY, asking that a coin-box public telephone be installed in his restaurant and lunch room at No. 626 Sixth avenue, New York city.

This case having come on for a hearing on the 14th day of May, 1917, when both parties appeared and presented their views upon the question at issue to the Commission; and the Commission having concluded that the public telephone facilities which already exist on Sixth avenue, Borough of Manhattan, New York city, between 36th and 37th streets, are, from the standpoint of the public interest, sufficient to take care of all present demands for such facilities in the locality in question; and that it would not, therefore, be justified in ordering the respondent to install facilities of this kind in the complainant's lunch room at No. 626 Sixth avenue; it is hereby

Ordered: That this complaint be and the same hereby is denied and that the case be closed upon the records of the Commission.

[Case No. 5973]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of EAST SIDE IMPROVEMENT ASSOCIATION of Mount Vernon *against* THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, asking that additional passenger trains stop at the Columbus Avenue station in Mount Vernon.

This case having come on for a hearing on July 9, 1917, when both parties presented to the Commission their respective views upon the question at issue; and the Commission having concluded, upon the arguments and evidence thus presented and after conference with its own traffic experts, that the present train service at Columbus avenue is reasonably adequate to the present needs of the neighborhood, and disproportionately large (upon the basis of the passenger business originating at Columbus avenue) as compared with the present train service at the New Rochelle, Pelham, and Mount Vernon stations on the New Haven railroad; and it appearing further that if the Commission at this time should order the stopping of any additional trains at Columbus avenue a serious disarrangement of the existing schedule

of commuters' trains on the New Haven railroad, detrimental to the commuting patrons of the road elsewhere than at Columbus avenue, would result; and it further appearing that some of those who now use the Columbus Avenue station find the Pelham and Mount Vernon stations to be almost equally convenient for their use, and that even in the case of people living immediately adjacent to the Columbus Avenue station either of the other two stations named are available in case of need, both being less than a mile distant from Columbus avenue; and the Commission believing that for these reasons, in justice to other commuting patrons of the New Haven railroad who will be greatly dissatisfied at any interference with such express service as they now enjoy, the present application should be denied, it is hereby

Ordered: That this complaint be and the same hereby is denied and that the case be closed upon the records of the Commission.

[Case No. 5979]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

In the matter of the Petition of CAYUGA POWER CORPORATION under section 68 of the Public Service Commissions Law for permission to construct in the towns of Lansing, Dryden, and Groton, and in the incorporated villages of Freeville and Dryden, all in Tompkins county, poles, wires, conduits, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under franchises therefor received from said municipalities.

This case having been brought on for a hearing in due course, and it appearing for the reasons set forth in the accompanying memorandum that the application of the petitioner must be denied, it is

Ordered: That the application of the Cayuga Power Corporation for permission to exercise franchises in the towns of Lansing, Dryden, and Groton, and in the villages of Freeville and Dryden, be and the same hereby is denied.

[Case No. 6061]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of ONEONTA LIGHT AND POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in a portion of the town of Oneonta, Otsego county, poles, wires, and appurtenances for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise to use highways and public places therefor received from said town.

Petition filed June 6, 1917; affidavits of publication of notice of application filed July 2, 1917; hearing held at the office of the Commission in the city of Albany on July 2, 1917. Appearances: S. J. Magee for the petitioner; N. P. Willis for the Southern New York Power Company. The town board of the Town of Oneonta granted to the petitioner on April 7, 1917, a franchise to construct, maintain, and operate pole lines and wires in that portion of the town lying easterly of a line extending along the westerly boundary of the city of Oneonta and lying southerly of the Susquehanna river. The purpose of this franchise is to enable the petitioner to carry on its business in that portion of the town of Oneonta lying southerly and easterly of the city of Oneonta where it has heretofore been carrying on some business without a franchise, and it will also enable the petitioner to carry on business in that portion of the town lying northerly of the city of Oneonta. The Southern New York Power Company also has a franchise in this town, but permission to exercise it was denied by the Commission on the ground that the petitioner in this case was in a better position to give the service required. The Southern New York Power Company does not object to the granting of this application unless the effect will be to prevent it at some future time from exercising the right to connect its lines in West Oneonta with its Colliers power station. Its representative stated at the hearing that such a connecting line would probably be built at some later date when the demands of the company require it. There is no indication at present that the petitioner will have any occasion to extend its lines in the territory north of the city of Oneonta, but if it should so do, this ought not to in any way conflict with the construction of a transmission line from the Colliers plant to West Oneonta, which line would not be used for distributing electricity in that portion of the town of Oneonta lying north of the city. The petitioner is desirous of extending its lines in those portions of the town lying southerly and easterly of the city where it is already engaged in doing business. The Commission is of the opinion that public convenience and necessity require that the petitioner be given permission and approval to exercise the franchise granted to it by the town board of the Town of Oneonta. It is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Oneonta Light and Power Company to construct, maintain, and operate an electric plant in the town of Oneonta, Otsego county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Oneonta on April 7, 1917, subject to all the terms and conditions therein set forth.

2. That the granting of this application shall not be held to preclude the Commission from hereafter giving its permission and approval to the Southern New York Power Company to exercise the franchise heretofore granted to it by the Town of Oneonta in that portion of the town lying north of the city of Oneonta, upon a proper showing by it as to the necessity for exercising such franchise therein.

3. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 2931]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BAEHITE,
Commissioners.

In the matter of the application of the BOSTON AND
ALBANY RAILROAD COMPANY for authority to issue
25-year 4½ per cent improvement bonds of 1912. Amendatory
order.

Petition filed May 14, 1912; hearing held May 21, 1912; report of division of transportation dated June 4, 1912; order entered June 10, 1912; supplemental petition filed July 6, 1917. By order herein dated June 10, 1912, the Boston and Albany Railroad Company was authorized to issue and sell for not less than their face value \$1,000,000 face value of twenty-five year 4½ per cent improvement bonds of 1912, and to use the proceeds realized from such sale for the acquisition of property, construction, completion, extension, and improvement of its facilities, etc., as detailed in schedule A attached to the petition dated May 11, 1912. From verified reports filed herein in accordance with the requirements of the aforesaid order, it appears that all of the bonds so authorized have been sold and the proceeds realized therefrom expended on certain projects listed in said schedule for more and others for less than the amounts specifically authorized therefor, and the company's attention was called to that fact. As a result, under date of July 6, 1917, the Boston and Albany Railroad Company has filed a supplemental petition asking for an amendment of the order herein dated June 10, 1912, to permit the application of the proceeds under-expended on certain projects toward those upon which over-expenditures have been made. Now therefore, upon the foregoing record, it is

Ordered: That clause 1 of the order herein dated June 10, 1912, is hereby amended to authorize the Boston and Albany Railroad Company to apply the proceeds realized from the sale at not less than the face value thereof of the \$1,000,000 face value of twenty-five year 4½ per cent improvement bonds of 1912 therein authorized to be issued toward the cost of the construction, completion, extension, and improvement of its facilities, aggregating \$1,035,880, as summarized in the supplemental petition herein filed under date of July 6, 1917.

Finally, it is determined and stated that in the opinion of this Commission the use of the proceeds of bonds heretofore authorized herein and issued is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5876]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of CHARLES FEWSTER as a resident and as supervisor of the Town of Ontario, Wayne county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking for protection at two highway grade crossings of the R., W. & O. R. R., lessor, in the hamlet of Ontario, in said town.

The complaint of Charles Fewster, supervisor of the Town of Ontario, in Wayne county, asks for additional protection at two grade crossings of highways and the St. Lawrence and Ontario division of the New York Central railroad. The hearing was set for Ontario, July 13, 1917. The sitting Commissioner, with the complainant and his representatives and representatives of the respondent, visited and inspected the crossings in controversy, and thereupon the respondent agreed to install and thereafter maintain at the Knickerbocker Street crossing a standard automatic crossing-bell covering all tracks over that highway; and to buy and remove such trees as might be necessary to open up the view of the Furnace Street crossing east and west as one approaches from the south, providing a reasonable arrangement for such purchase can be made. The complainant was satisfied with this arrangement, and with his consent it is

Ordered: That the case be and it hereby is closed on the records of the Commission.

[Case No. 6017]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of JOHN J. A. ROGERS of Ridgewood (New York city) *against* NEW YORK TELEPHONE COMPANY as to change of telephone number and central station name, as to terms of contract, as to disputed number of calls, as to discontinuance of service, and as to complainant being furnished with a coin-box telephone.

Complaint filed May 14, 1917; answer filed June 6, 1917; hearing held at the office of the Commission in the city of New York on June 15, 1917. Appearances: the complainant in person; Paul H. Burns for the respondent. The complainant in this case objects to the action taken by the respondent in placing his telephone station in another district from that in which it was located at the time his contract was made; and also against the removal of

his telephone for non-payment of bills, and against certain practices of the telephone company in respect to charges made for service. The complaint against the change of district was not pressed at the hearing, and it developed that the only real complaint against the company was as to a charge made by it for 112 local messages alleged to have been sent by the complainant between August 1, 1915, and January 31, 1916, and the removal of the telephone. As a result of the hearing, the complainant stated that he would be satisfied if he could have his telephone service restored, and allow the question of the bill for local messages, aggregating \$5.60, to remain open as between the parties and subject to such action by suit or otherwise as the telephone company might deem best; and that it would be agreeable to him to have the case closed without further hearings. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed, with the right to either party to move to reopen the same in the event that the arrangement agreed upon by the parties at the hearing on June 15th is not consummated in the manner contemplated.

[Case No. 6052]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARNITE,
Commissioners.

Complaint of HENRY A. MEYER REALTY COMPANY
against NEW YORK TELEPHONE COMPANY as to proposed change in location of public telephone in the Tollner Block, Brooklyn.

Complaint filed June 11, 1917; answer filed June 30, 1917; hearing held at the office of the Commission in the city of New York on July 7, 1917. Appearances: James Brooke for the complainant; Paul H. Burns for the respondent. The complainant asks that the New York Telephone Company be prevented from removing a public telephone now located in the hall on the second floor of the premises at 1174 Bedford avenue, Brooklyn, New York, on the ground that public convenience requires the continuance of said telephone in the present location. The telephone company alleges that the general public is not as well served by the telephone in question as it would be if it were located in the hall on the first floor of the building. It also claims that the selection of the location of public telephones is entirely within its control, and that the Commission has no jurisdiction whatever with respect thereto. For some years there were two public telephones on the premises at 1174 Bedford avenue, one being located within the rooms which are used for lodge meetings, and the other one in the hallway on the second floor of the building. The respondent moved the public telephone which was located in the lodge rooms, and the complainant urges that it only consented to such removal upon the understanding that the public telephone in the hallway on the second floor would be permitted to remain in its present location. Since that time the telephone company has intimated to the complainant that it proposes to move this telephone to the first floor, and it is against this action that the complainant protests. It appeared on the hearing that the premises at 1174 Bedford avenue, Brooklyn, are much used for public gatherings, and that many thousands of people enter and leave the building during the course of a year. It also appeared that the public telephone which is the subject of the complaint is more favorably located at the

present time for use by many of the people attending these public gatherings than it would be if placed on the first floor of the building. It is our view that the people attending such public gatherings are a part of the general public for which public telephone stations are installed, and that there is no particular reason why such stations should invariably be placed only at such points as may be particularly advantageous for people passing along the public highway. No evidence was presented by the telephone company to show that it was not receiving a fair return from this particular telephone, or that the earnings of the company would be materially increased by re-locating the station on the first floor. The claim was urged that there were no signs on the building to indicate that there is a public telephone located in the hallway and therefore it is not readily accessible to the general public. In answer to this, however, the representative of the complainant stated that it was entirely willing that suitable signs should be placed at the entrance to the building to indicate that there is a public telephone on the premises and thus remove this objection. We think that inasmuch as this particular station has been in its present location for many years and has served the public at that point without complaint, there is sufficient justification for holding that it should be continued there until there is some evidence to justify its removal. The location is the one originally selected by the respondent, and the question before us is not with respect to the placing of a public telephone on premises where no such telephone has heretofore been installed. The question as to the right of the telephone company to determine the location of a public telephone in the first instance is not before us in this case, and we are not attempting now to determine the question of our jurisdiction in regard to the location of such a station as against the wishes and desires of the telephone company in that respect. All that we now hold is that there seems to be a reasonable demand for a public telephone where the one in question is located, and we believe it should be continued there until such time as it can be demonstrated that it is no longer performing the function for which it was intended. When it is conceded by all of the parties interested that a public telephone should be installed in certain premises but there is a dispute as to the proper location of such a telephone, then we are of the opinion that the Commission may properly determine on the facts in the case where such a telephone should be located, and that it is the function of the Commission to make such a determination on behalf of the general public for whom such service is to be provided. The present pay station on the complainant's premises was installed pursuant to a contract with one Hugo Tollner, who owned the building at that time. The respondent insists that the complainant has no contract with it covering this telephone. Since the complainant took over the building, the commissions accruing under the contract have been turned over to it and it has been in fact the beneficiary. While technically it might be urged by the respondent that the complainant had no right to oppose the re-location of the telephone as proposed by the respondent, yet we do not believe this claim should be pressed when it is apparent that no benefit will accrue to the public thereby. Under the circumstances, it would seem as though the respondent should make a contract with the complainant covering the pay station in its present location, when in fact the complainant is the owner of the premises and entitled to such commissions as accrue from the use of the telephone in its building. It is therefore

Ordered: That the public telephone on the second floor of the premises at 1174 Bedford avenue, Brooklyn, N. Y., be continued in its present location until January 1, 1918, unless re-located prior to that time pursuant to agreement of the parties, and that either party may subsequent to that date make application to the Commission to have this case reopened for the purpose of showing the necessity and desirability of re-locating said public telephone.

510 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 3457]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MURRAY ELECTRIC LIGHT AND POWER COMPANY for a certificate authorizing it to issue bonds under a mortgage or deed of trust dated January 1, 1913, to the Orange County Trust Company of Middletown, N. Y., as trustee, in pursuance of section 69 of the Public Service Commissions Law of the State of New York.

Supplemental petition filed June 23, 1917. Supplemental and amendatory order.

By order herein dated August 19, 1913, the Murray Electric Light and Power Company was authorized to issue \$50,000 face value of its 6 per cent 30-year first mortgage gold bonds and to use the proceeds realized from the sale thereof, at not less than their face value, for, among other things, the construction of its lines from Fallsburgh to Centerville, N. Y. From verified reports filed herein in accordance with the requirements of said order, it appears that \$17,000 face value of the bonds so authorized still remain unissued; and by supplemental petition herein filed on the 23rd day of June, 1917, the company asks for an amendment of said order to authorize their sale for not less than 98 per cent of face value, and in lieu of the line authorized to be constructed in the aforesaid order, that it be permitted to use the proceeds realized from their sale for the construction of a transmission line from its power station at Monticello to the power station of the Orange County Public Service Corporation at Cuddebackville, N. Y., for the acquisition of the necessary rights of way, poles, wires, appliances, etc., incident to the construction of said line. Such supplemental petition was referred to the Commission's division of light, heat, and power, and its report thereon is dated July 12, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the order herein dated August 19, 1913, is hereby modified and amended to authorize the sale of \$17,000 face value of the 6 per cent 30-year first mortgage gold bonds therein authorized to be issued for not less than 98 per cent of their face value and accrued interest to give net proceeds of at least \$16,660, which shall be applied solely and exclusively toward the construction of a transmission line from the power station of the petitioner to the power station of the Orange County Public Service Corporation at Cuddebackville, Orange county, N. Y., and for the acquisition of the necessary rights of way, poles, wires, appliances, etc., incident to the construction of said line, as detailed in exhibit D attached to the supplemental petition herein dated June 13, 1917, \$23,046.74: amount unprovided for, \$6386.74; in so far as the same may be applicable, provided (a) that such bonds or the proceeds thereof shall be applied on such new construction summarized above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Electrical and Gas Corporations adopted by this Commission; (b) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where

such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (c) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the face value of the bonds herein authorized, no portion of the proceeds of the bonds so authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission; (d) that the unit prices contained in exhibit D of the supplemental petition herein dated June 13, 1917, are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the work to be done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform Systems of Accounts for Electrical and Gas Corporations.

2. That the authority contained in this order is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and that within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the bonds heretofore authorized herein is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5968]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint under section 71 of the Public Service Commissions Law of the TRUSTEES OF THE VILLAGE OF HAMBURG, Erie county, *against* INTER-VILLAGE ELECTRIC CORPORATION as to price charged the public for electricity in said village.

The president and board of trustees of the Village of Hamburg having on the 11th day of April, 1917, made complaint to the Commission that the Inter-Village Electric Corporation had made or attempted to make private contracts with individuals, firms, and corporations in the village of Hamburg at rates in excess of those fixed by the franchise granted to said corporation and accepted by it; and said corporation having made answer to said complaint; and a hearing having been had at Buffalo on the 25th day of May, 1917, at which time Messrs. Ticknor, Pierce and Pomeroy, by Mr. Ticknor, appeared for the complainant; and Messrs. Strebel, Corey, Tubbs and Beals, by Mr. Beals, appeared for the respondent; and an agreement having been made and embodied in a written stipulation, which said stipulation has been filed with this Commission, and the parties having requested the Commission to enter an order in accordance with the terms of said stipulation; now, therefore, at the request of the complainant and the respondent, and pursuant to the terms of said stipulation, it is hereby

Ordered: That the schedule of rates for furnishing light, heat, and power to the Village of Hamburg and its citizens, filed with the Public Service Commission by the Inter-Village Electric Corporation on the 29th day of January, 1917, be the lawful rates which may be charged by said Inter-Village Electric Corporation to said Village of Hamburg and its citizens for electricity for light, heat, and power, from and including the 1st day of June, 1917, to and including the 31st day of May, 1918, and thereafter until this Commission shall, upon its own motion or upon the complaint of any corporation, person, or municipality interested, fix a higher or lower maximum price for electricity to be thereafter charged.

Further Ordered: That said Inter-Village Electric Corporation shall return and pay each of its customers and patrons in the village of Hamburg all excess of money collected from him for electricity furnished during the months of March, April, and May, 1917, over and above the prices stipulated and named in the schedule of rates in force immediately prior to the 1st day of March, 1917, such payments to be made or credits allowed on all bills rendered within thirty days after the entry of this order.

Further Ordered: That said Inter-Village Electric Corporation shall immediately after the termination of said period, on the 31st day of May, 1918, furnish to the president and board of trustees of the Village of Hamburg a full and complete verified report of its capitalization, valuation, expenditures, and earnings during the period of one year from the 1st day of June, 1917, to the 31st day of May, 1918, both inclusive; and should the president and board of trustees of said Village of Hamburg so desire, their duly appointed and qualified accountant may examine the books of said company to ascertain the value of the plant and equipment and the earnings and expenditures of said corporation during the period aforesaid; and should it appear from said examination that the rates as fixed by the schedule of rates filed on the 29th day of January, 1917, with the Public Service Commission, are excessive and yield an unfair and excessive return to said corporation, then application may be made to this Commission upon the report so furnished and the evidence so obtained (should the president and board of trustees examine said books and vouchers) for suitable and proper reduction of such schedule of rates or any part or portion thereof.

Further Ordered: As embodied in said stipulation, that in agreeing to the terms and conditions in said stipulation, and in consenting to and obeying the terms of this order, the president and board of trustees of the Village of Hamburg, as a municipal corporation, in no way relinquish, release, or discharge any of the rights its has under the original franchise and extension thereof as to the maximum rates which may be charged for light, heat, or power by the said Inter-Village Electric Corporation, its successors and assigns, and that by consenting to the terms of this order said electrical corporation shall in nowise be compromised, and its officers shall in no way be deemed to concede that the rates fixed by said franchise have any force or effect.

Further Ordered: That the approval of this Commission of said stipulation and its consent to the schedule of rates filed by said Inter-Village Electric Corporation with this Commission on the 29th day of January, 1917, is not a determination nor does it imply a determination that the rates in said schedule are just or reasonable or that they are not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York.

Further Ordered: That upon the entry of this order this case shall be closed upon the records of the Commission.

[Case No. 5982]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the LONG ISLAND LIGHTING COMPANY under section 69, Public Service Commissions Law, for authority to issue \$561,000 in first mortgage 5 per cent 25-year gold bonds under an existing mortgage, and for approval of a supplement to said mortgage.

Petition filed April 21, 1917; hearing held May 10, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Long Island Lighting Company is hereby authorized to execute and deliver to the Bankers Trust Company, as successor trustee by merger to the Mercantile Trust Company, a corporation organized and existing under the laws of the State of New York, a supplement to its deed of trust or mortgage dated March 1, 1911, securing an authorized issue of 5 per cent 25-year bonds to the aggregate amount of \$6,000,000, a copy of which supplement is attached to the petition herein as exhibit 4; and that the form of such supplement is hereby approved.

2. That upon the execution and the delivery of said supplement to such mortgage dated March 1, 1911, there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

3. That the Long Island Lighting Company is hereby authorized to issue \$561,000 face value of its 5 per cent 25-year first mortgage gold bonds under the aforesaid mortgage and supplement thereto.

4. That of the said bonds herein authorized, bonds of the total face value of \$344,000, or the proceeds thereof, shall be used solely and exclusively for the purpose of even exchange or sale on a basis of face for face and accrued interest for \$198,000 first and refunding mortgage 5 per cent 50-year bonds, and \$146,000 first mortgage 5 per cent 25-year gold bonds, of the Suffolk Gas and Electric Light Company and South Shore Gas Company, respectively, constituent merged companies of the petitioner; provided that if only a portion of such bonds of a total face value of \$344,000 shall be used for said purposes, the said partial exchange shall likewise be on the basis of face for face and accrued interest.

5. That of the said bonds herein authorized, bonds of the total face value of \$217,000 may be sold for not less than 92 per cent of their face value and accrued interest to give net proceeds of at least \$199,640.

6. That said bonds of the face value of \$217,000 so authorized, or the proceeds thereof to the amount of \$199,640, shall be used solely and exclusively for the retirement of the outstanding first mortgage 5 per cent 20-year gold bonds of the Suffolk Gas and Electric Light Company, a constituent merged company of the petitioner, aggregating \$200,000; amount unprovided for, \$360.

7. That if the said bonds of a total face value of \$217,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$200,000, no portion of the proceeds of such sale in excess of

the last aforesaid sum shall be used for any purpose without the further order of the Commission.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Long Island Lighting Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That the Long Island Lighting Company shall for each six months ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale, exchange, or other disposition; (c) with or to whom such exchanges or sales, respectively, were made; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such exchanges or sales; (f) the amount face value of bonds received in exchange for the bonds herein authorized; (g) the amount expended during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or exchanged and the proceeds realized from such sales expended in accordance with the authority contained herein, and if during any period no bonds were sold or exchanged or proceeds expended the report shall set forth such fact.

10. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the bonds herein authorized and the money to be procured by the issue thereof are reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6070]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MARION RAILWAY CORPORATION under subdivision 10, section 8, Railroad Law, for consent to issue a first mortgage for \$100,000; under section 55, Public Service Commissions Law, for authority to issue now \$50,000 in 5 per cent 25-year gold bonds to be secured thereby; also \$10,000 in preferred stock.

Petition filed June 23, 1917; hearing held July 16, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the plan and agreement of reorganization of the Newark and Marion Railway Company defined in the petition herein and at the hearing upon this application, including a determination of the

amount of capital stock and mortgage bonds to be issued by the new corporation, the Marion Railway Corporation, formed to take over the property formerly of the aforesaid corporation, is hereby approved.

2. That the Marion Railway Corporation is hereby authorized to execute and deliver a certain indenture, deed of trust, or mortgage upon all its plant and equipment, dated the 1st day of July, 1917, to secure an issue of first mortgage twenty-five year gold bonds to the aggregate amount of \$100,000 face value, bearing interest at the rate of 5 per cent per annum payable semiannually on the first days of January and July in each year, a copy of which indenture has been filed with this Commission herein; provided that no bonds shall be issued under the security thereof until the form of said indenture shall have been approved by this Commission.

3. That the Marion Railway Corporation is hereby authorized to issue \$50,000 face value of its 5 per cent twenty-five year first mortgage gold bonds under the aforesaid mortgage.

4. That the Marion Railway Corporation is hereby authorized to issue \$10,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least \$10,000.

5. That said bonds of the total face value of \$50,000 may be sold for not less than their face value and accrued interest to give net proceeds of at least \$50,000.

6. That said bonds and stock of the total face and par value of \$60,000 so authorized, or the proceeds thereof to the amount of \$60,000, shall be used solely and exclusively for the following purposes:

(a) For the acquisition of the property, rights, privileges, etc., as described in the petition herein, formerly belonging to the Newark and Marion Railway Company, sold at foreclosure sale on February 26, 1917, for which purpose \$40,000 face value of bonds and \$10,000 par value of stock herein authorized, or their proceeds, shall be used	\$50,000
(b) For the rehabilitation of the property so to be acquired and for working capital, for which purpose \$10,000 face value of bonds herein authorized, or their proceeds, shall be used.....	10,000
	<hr/> \$60,000

7. That none of the bonds herein authorized shall be hypothecated or pledged as collateral by the Marion Railway Corporation unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Marion Railway Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the securities herein authorized for each of the purposes specified herein and the account or accounts under the Classification of Investment in Road and Equipment of Steam Roads to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

9. That the Marion Railway Corporation shall open its books in accordance with the requirements of the Classification of Investment in Road and Equipment of Steam Roads, and within sixty days from the service of this order such books shall be so opened and a copy of the entry recording the acquisition of such property, duly verified by the secretary of the corporation, shall be filed with this Commission.

10. That immediately upon the consummation of the reorganization herein authorized and approved, the Marion Railway Corporation shall file with this Commission a proper notice, setting forth the exact date when such reorganization was fully and finally consummated.

11. That the authority contained in this order to issue securities is upon the express condition that the corporation accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said corporation shall file with this Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of this Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6128]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the CENTRAL HUDSON GAS AND ELECTRIC COMPANY under section 70, Public Service Commissions Law, for ratification of acquirement of mortgage bonds of certain electrical corporations.

Petition filed June 29, 1917. It appears that on the dates hereinafter indicated the Central Hudson Gas and Electric Company invested its treasury cash in the below described bonds of certain electrical and gas corporations under the jurisdiction of this Commission without first having obtained the consent of the Commission to such purchases. Upon request, the company filed under date of June 29, 1917, an application asking for authority *nunc pro tunc* for the acquisition of such securities. Now therefore, upon the foregoing record,

Ordered: That the acquisition by the Central Hudson Gas and Electric Company on April 10, 1915, of \$3000 face value of Rockland Light and Power Company 5 per cent 30-year first mortgage gold bonds for \$2910; on July 15, 1915, of \$5000 face value of Rochester Railway and Light Company 5 per cent 50-year consolidated mortgage gold bonds for \$5075; and on January 22, 1915, of \$5000 face value, and on November 1, 1915, of \$5000 face value, of Utica Gas and Electric Company 5 per cent 50-year refunding and extension mortgage gold bonds for \$4825 and \$4962.50 respectively, is hereby authorized *nunc pro tunc*.

[Case No. 4855]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the BOARD OF
SUPERVISORS OF ONONDAGA COUNTY and THE NEW
YORK CENTRAL RAILROAD COMPANY under section 91
of the Railroad Law for the elimination of a grade
crossing of the Auburn branch of said company's
railroad by the Camillus-Fairmount county highway.

Upon the recommendation of The New York Central Railroad Company,
as indicated by the signature of its chief engineer upon a general plan show-
ing the construction required to carry out the Commission's determination of
June 14, 1917, in the matter above entitled; and upon the approval of the
County of Onondaga and the Town of Camillus, as shown by the respective
signatures on said plan of the county superintendent of highways and the
supervisor of the town, it is

Ordered: That said plan be and it is hereby approved.

[Case No. 4965]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COM-
MON COUNCIL OF THE CITY OF WATERTOWN under
section 91 of the Railroad Law for an order determin-
ing that the Court Street grade crossing of the New
York Central railroad in said city shall be changed
to an over-crossing.

Upon the recommendation of The New York Central Railroad Company,
as indicated by the signature of its chief engineer upon a general plan dated
December 21, 1916, marked issue No. B, showing the construction specified in
the Commission's order of May 10, 1917, in the matter above entitled; and
upon the approval of the City of Watertown as similarly indicated by the
approval signatures on said plan of its mayor and city engineer, it is

Ordered: That said plan, issue No. B, dated December 21, 1916, be and it
is hereby approved.

518 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5656]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of MILTON L. SKINNER, E. O. BARNES, WILLIAM PULIS, ORVAL H. KAYS, and FULBOAM DAIRY COMPANY, of Milanville, Penna., *against* ERIE RAILROAD COMPANY, asking that a proper passenger and freight station building be constructed at Skinner's Falls, Sullivan county.

The Commission, by order made January 25, 1917, directed the Erie Railroad Company, respondent, on or before June 1, 1917, to erect at Skinner's Falls a suitable building to be used as a passenger and freight station, and on or before the first day of March, 1917, to submit to the Commission plans and outline specifications therefor, and upon the completion of said station to establish an agent thereat. Enforcement of said order was stayed by judicial proceedings. The respondent now asks that the taking effect of said order be further postponed because of the great cost of material and labor at present, the difficulty of obtaining material at any price, and the scarcity of men. The order of the Commission contemplated and the situation requires that the agent at this station should be an able bodied man. The Commission can take notice of the entrance of the United States into the European war since the making of the order referred to and take notice also of other facts set up in the petition. It is therefore

Ordered: That performance of said order of January 25, 1917, be and the same hereby is suspended as follows: Plans and outline specifications shall be furnished the Commission on or before March 1, 1918, and work shall proceed as soon as possible after the approval of such plans and specifications and be completed by a date to be then fixed by the Commission, with leave, however, to either party to apply on or before said date for such other or further order as conditions then existing may render advisable.

[Case No. 5748]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the BOARD OF TRUSTEES OF AND RESIDENTS OF THE VILLAGE OF WATERVILLE, Oneida county, *against* WATERVILLE GAS AND ELECTRIC COMPANY, protesting against discontinuance of furnishing of gas by said company.

Upon the facts found and for the reasons stated in the accompanying opinion it is

Ordered: That the complaints herein be and the same hereby are dismissed.

[Case No. 5828]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of PATRONS OF BUFFALO
AND LAKE ERIE TRACTION COMPANY *against* RECEIVER
OF SAID COMPANY, asking that more passenger cars be
operated from and to Buffalo and points outside of
Buffalo.

The patrons of the Buffalo and Lake Erie Traction Company having hereto-
fore filed their complaint with this Commission, pursuant to section 51 of
the Public Service Commissions Law, to the effect that that company does
not provide a sufficient number of cars to reasonably accommodate the passen-
ger traffic transported by it; and George Bullock, as receiver of said traction
company, having duly filed in writing his answer to said complaint; and a hear-
ing in this case having been duly noticed for the 20th day of July, 1917, at 10:30
o'clock a. m. at room 704 Iroquois Building in the city of Buffalo, New York;
and said case having been called at said time and place by Commissioner
Barhite, and no one having appeared for the complainants; and the receiver
of said traction company having appeared by Lyman M. Bass, his attorney,
and having explained to this Commission that additional passenger conditions
have been furnished by said traction company since the filing of said
complaint,

Ordered: That the complaint in the above entitled matter be and the
same is hereby dismissed, and the case closed upon the books of the
Commission.

[Case No. 6018]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of the CITY OF BUFFALO under section 90 of the
Railroad Law for an order determining the manner
in which Hopkins street in said city shall cross the
railroad and right of way of the Buffalo, Rochester
and Pittsburgh Railway Company.

Under this petition the Commission is asked not only to determine the
manner in which a 66-foot wide extension of Hopkins street shall cross the
Buffalo, Rochester and Pittsburgh railway, but also that Marilla street be
closed and discontinued across the right of way of the railroad; it being the
intention to divert all traffic now passing over the Marilla Street crossing to
the new crossing to be constructed upon the continuation of Hopkins street.

Hopkins street at present joins Marilla street on the east side of and distant
about two hundred feet from the railroad, the center lines of the two streets
being at right angles, or substantially so, to each other. From the junction

point Marilla street continues in a straight line across the tracks, crossing the latter at grade on a considerable skew. On the west side of the tracks, Hopkins street is laid out on a prolongation of the street lines as they exist east of the tracks. The center line of Hopkins street as laid out in a resolution adopted by the city across the right of way and tracks of the railway is, however, not identical with the present line of the street at the junction point with Marilla street and Hopkins street as it exists west of the tracks. Its center line is described as follows: Beginning at a point at the intersection of the center line of Hopkins street with the center line of Marilla street, thence running southwesterly at right angles with the northerly line of the right of way of the Buffalo, Rochester and Pittsburgh railway to a point 33 feet west of the westerly right of way line; thence parallel to such westerly right of way line to an intersection with the center line of Hopkins street as it extends east of the tracks.

In order to provide access to Marilla street the new highway west of the tracks is to be continued northerly to an intersection with Marilla street.

It appears that the City of Buffalo on March 7, 1917, duly adopted a resolution of intention to open, lay out, extend, and construct Hopkins street as proposed across the Buffalo, Rochester and Pittsburgh railway; that in accordance with the requirements of the statute written notice was served upon the railway corporation of a hearing upon the question of the necessity for laying out such street; that said hearing was held and that no objection to such proposed extension was made by the railroad corporation; and that thereafter the council of the City of Buffalo duly adopted a resolution determining to open, extend, and construct Hopkins street as a public street and highway 66 feet wide, across the tracks and right of way of said railway corporation, the location and description of such proposed extension being set forth in said resolution.

After proper notice to all parties in interest, a hearing was held by this Commission on June 29, 1917, due proof of publication of such notice and of personal service thereof on property owners being of record. At such hearing there appeared Hon. William S. Rann, J. J. Hurley, and Charles E. P. Babcock for the City of Buffalo; John S. Rockwell and W. S. Pond for the Buffalo, Rochester and Pittsburgh Railway Company; Frank F. Williams and E. L. Duncan for The Elmwood Improvement Company, property owners; and Hon. Edward C. Randall for interested property owners.

The city desires to have Hopkins street as extended cross the railroad tracks at grade, and to close existing Marilla Street crossing. There was no objection to the granting of the petition by either the railroad or property owners represented. It appears that this proposed crossing is within the jurisdiction of the Grade Crossing Commission of the City of Buffalo; that it is proposed at some future time to eliminate this crossing; and that the proposed grade crossing at Hopkins street may, therefore, be a temporary crossing only.

The Commission has accordingly determined that the petition for a grade crossing should be granted, and therefore

Ordered: That the extension of Hopkins street as laid out by resolution duly adopted by the Common Council of the City of Buffalo on the 7th day of March, 1917 (a copy thereof being on file with this Commission), shall cross the tracks of the Buffalo, Rochester and Pittsburgh railway at the present grade of the tracks, and that there shall be constructed on the westerly side of the tracks a new street 66 feet wide parallel to the right of way line of the railroad, extending from Marilla street to Hopkins street as it exists on the west side of the tracks, said proposed extension of Hopkins street and new street being shown on a map dated June 28, 1917, on file with this Commission, entitled "B., R. & P. Ry., Buffalo Division, Buffalo, N. Y. Map showing re-location of Marilla Street grade crossing as proposed by the City of Buffalo".

Beginning at the junction of Marilla and Hopkins streets on the east side of the tracks, the grade on Hopkins street as extended shall ascend toward the railroad at the rate of 2.524 per cent; thence level across the railroad to the new street to be built on the west side of and parallel with the railroad; thence proceeding southeasterly on said new street to Hopkins street on a

grade descending at the rate of 1.447 per cent, and proceeding northwesterly from said point toward Marilla street at the rate of 0.506 per cent; thence descending westerly along Marilla street at the rate of 4 per cent to an intersection with the existing street surface.

The existing crossing on Marilla street shall be left open until the completion of the new crossing upon the extension of Hopkins street and of the new street lying to the west of the railroad between Hopkins street and Marilla street, after which it shall be closed to public highway travel.

This order is made upon the condition agreed to between the respective parties at the hearing, that the entire cost of the work herein ordered, including the costs of any lands, rights, or easements necessary or required, and of any land or other damages whatsoever which may arise by virtue thereof, and any and all costs of construction and expenses incidental thereto, are payable and shall be paid in equal amounts by the Buffalo, Rochester and Pittsburgh Railway Company and the City of Buffalo.

[Case No. 6049]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the INCORPORATED VILLAGE OF SHERMAN, Chautauqua county, under section 68 of the Public Service Commissions Law for authority to maintain and operate for other than municipal purposes (as well as municipal purposes) an electric plant.

The incorporated Village of Sherman, Chautauqua county, New York, having filed its petition with this Commission, pursuant to section 68 of the Public Service Commissions Law, asking for permission to purchase the property of the Sherman Electric Light Company for the purpose of manufacturing electricity for municipal purposes and for the purpose of selling electricity commercially; and it appearing that the sum of \$9000 has been donated to said village and is now in the hands of the board of trustees for the purpose of purchasing said plant; and it further appearing that at a special election duly called and held in the aforesaid village of Sherman on the 1st day of June, 1917, the following proposition duly submitted to the voters of said village at said election was carried in the affirmative, namely:

Shall the Village of Sherman purchase the building, land, machinery, and equipment of the Sherman Electric Light Company located on the south side of Main street in Sherman village, together with all the lines, franchises, and rights of said company in Sherman village, at an expense not to exceed the sum of \$9000 to be paid from funds donated to the Village of Sherman and now in the hands of the board of trustees thereof.

and it further appearing that no other electrical corporation is located or does business in said village of Sherman; and it further appearing that the property to be purchased consists of one lot, and frame, metal sided building located on the south side of Main street in said village, together with the machinery and equipment in said building, consisting of one boiler, one steam engine, two dynamos, and other personal property in use by the said company, together with all poles, wires, material, and equipment in the streets of said village, together with all rights and franchises owned by said company in said village; and a public hearing upon said petition having been duly called by this Commission at room 704 Iroquois Building, in the city of Buffalo, on the 13th day of July, 1917, at 11 o'clock a. m.; and said hearing having been

duly adjourned by Commissioner Barhite who was present at said time, on account of the absence of any representative of the petitioner, to the 20th day of July, 1917, at 11 o'clock a. m., at the same place; and the case having been heard at the last named time, it is

Ordered: That the incorporated Village of Sherman, Chataqua county, New York, be and it is hereby granted a certificate of authority by the Public Service Commission of the State of New York, in and for the Second District, to purchase the property of the Sherman Electric Light Company and to pay therefor the sum of \$9000 in cash (money heretofore donated to said village and now in the hands of the trustees thereof for said purpose), and to maintain and operate the plant purchased by it not only for municipal purposes but also for the purpose of selling electric current to be used for lighting, heat, and power.

[Case No. 6064]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of SOUTHERN NEW YORK POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Deposit, Delaware county, an electric plant, including poles, wires, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise to use highways and public places therefor received from said town.

Petition filed June 13, 1917; hearing held at the office of the Commission in the city of Albany on July 2, 1917; affidavit of publication of notice of application filed July 18, 1917.

Appearances: H. C. Hopson for the petitioner. No one appeared in opposition.

The petitioner in this case obtained a franchise from the town board of the Town of Deposit on March 31, 1917, permitting it to construct, erect, and maintain pole lines and wires in the public highways of said town and to transmit and distribute electricity by means thereof. The petitioner proposes to connect its power plants which are located in the villages of Deposit and Walton, and it is therefore necessary to have a franchise from the Town of Deposit through which a portion of said line will be constructed. The Commission having determined that public convenience and necessity require the exercise by the petitioner of the franchise granted by the Town of Deposit on March 31, 1917, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Southern New York Power Company to construct, maintain, and operate an electric plant in the town of Deposit, Delaware county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Deposit on March 31, 1917, subject to all the terms and conditions therein set forth.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 6065]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARNITE.
Commissioners.

In the matter of the Petition of SOUTHERN NEW YORK POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Walton, Delaware county, an electric plant, including poles, wires, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise to use highways and public places therefor received from said town.

Petition filed June 13, 1917; hearing held at the office of the Commission in the city of Albany on July 2, 1917; affidavit of publication of notice of application filed July 12, 1917.

Appearances: H. C. Hopson for the petitioner. No one appeared in opposition.

The petitioner in this case obtained a franchise from the town board of the Town of Walton on April 6, 1917, permitting it to construct, erect, and maintain pole lines and wires in the public highways of said town and to transmit and distribute electricity by means thereof. The petitioner proposes to connect its power plants which are located in the villages of Deposit and Walton, and it is therefore necessary to have a franchise from the Town of Walton through which a portion of said lines will be constructed. The Commission having determined that public convenience and necessity require the exercise by the petitioner of the franchise granted by the Town of Walton on April 6, 1917, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Southern New York Power Company to construct, maintain, and operate an electric plant in the town of Walton, Delaware county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Walton on April 6, 1917, subject to all the terms and conditions therein set forth.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 6067]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS ON THE
WEST SHORE RAILROAD BETWEEN RAVENA AND ALBANY
against THE NEW YORK CENTRAL RAILROAD COMPANY,
lessee, as to the taking off of passenger train No. 93
leaving Ravena at 7:32 a. m., arriving in Albany at
8:07 a. m.

Complaint filed June 22, 1917; answer filed June 30, 1917; hearings held at
the office of the Commission in the city of Albany on July 2, 9, 16, and 23,
1917.

Appearances: Henry J. Crawford for complainants; Visscher, Whalen and
Austin, by Mr. Austin and Mr. Visscher, for respondent.

The complaint in this case is against the discontinuance on and after June
24, 1917, of train No. 93 on the West Shore railroad which has been operating
for a number of years as an early morning train between Ravena and Albany,
being scheduled to leave Ravena at 7:32 a. m. and arrive at Albany at 8:07
a. m. The train was put in service in 1907, after a complaint to this Com-
mission by numerous residents of Ravena, Coeymans, Selkirk, Wemple, and
Glenmont who wished to arrive in Albany early in the forenoon, and also to
have a train which would accommodate children desiring to attend school in
Albany.

During the course of the hearings there was considerable dispute as to the
number of passengers actually carried each day on this particular train which
does not operate on Sunday. The answer filed by the railroad company
showed that for the past two years an average of something less than 30
passengers per day were carried and that there were in use monthly between
some of these stations and Albany about 23 commutation, school, and family
tickets. However, some of the holders of these tickets do not use the train in
question. Due to some errors in the preparation of reports covering passen-
gers carried on this train, it appeared that the answer of the company
probably only covered those passengers carried daily who used regular tickets
and that no consideration had been given to the passengers using the reduced
fare tickets; in fact, one of the conductors of the respondent who operated on
this train at least twice a week stated that there was an average of about 17
commuters for five days a week. It is fair to assume therefore that this train
has been carrying something over 40 passengers for the five week days other
than Saturday, which supports the complainants' contention that the number
of passengers on this train daily, exclusive of those riding on free transporta-
tion, is between 40 and 50. The respondent operates a through train from
Weehawken to Albany known as train No. 9 which is scheduled to arrive
in Albany at 8:50 a. m., and proposes to rearrange the schedule of this train
so that it will leave Weehawken earlier in the morning and arrive at Albany
at 8:20 a. m. The only objection to this is on the part of some of the com-
plainants who claim that they are obliged to be at their work in Albany at
8:00 a. m. We do not think much weight should be attached to this, however,
for the reason that it was impossible for them to reach their employment at
8:00 a. m. when they made use of train No. 93 because it did not arrive at
the terminal in Albany until 8:07. If the respondent will rearrange the
schedule of its train No. 9 so that it will arrive in Albany at 8:20 a. m.,
it seems as though this would reasonably accommodate all of the people in
the communities between Ravena and Albany. We have knowledge that the
respondent with other carriers is endeavoring to readjust its train service in

every way possible so as to give more service with their existing equipment, and we wish to aid them in this work in every way possible, due regard being given to the convenience of the traveling public. It is not apparent to us that any real hardship will be caused by requiring people who formerly used train No. 93 to make use of train No. 9 on the revised schedule, and we believe this change should be made with the right to the complainants to come in later and show the Commission the necessity for restoring train No. 93. It is therefore

Ordered: 1. That The New York Central Railroad Company, as lessee of the West Shore railroad, rearrange the schedule of train No. 9, operating between Weehawken and Albany, beginning on July 30, 1917, so that the schedule time of arriving at Albany will be 8:20 a. m. on each day of the week excepting Sunday.

2. That the respondent notify this Commission on or before July 30, 1917, if it accepts the terms of this order and will agree to comply with the same in all respects.

3. That the complainants may at any time after October 1, 1917, apply to the Commission on the record in this case and upon such other evidence as they may have for an order restoring train No. 93 and requiring the same to be operated on a schedule substantially the same as that on which said train was operated prior to June 24, 1917.

[Case No. 6130]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 24th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of FRANK SULLIVAN SMITH, as Receiver of The Pittsburg, Shawmut and Northern Railroad Company, for approval under section 55 of the Public Service Commissions Law of receiver's certificates of indebtedness to the aggregate amount of \$1,700,000.

By petition filed herein the 17th day of July, 1917, The Pittsburg, Shawmut and Northern Railroad Company, by its duly appointed Receiver, Frank Sullivan Smith, prays for authority to issue its 6 per cent two-year certificates of indebtedness to the aggregate amount of \$1,700,000 face value, to be used for refunding by exchange at face value a like amount of certificates of the petitioner bearing interest at the rate of 6 per cent per annum, \$1,500,000 of which mature on August 1, 1917, and \$200,000 on September 1, 1917. The issuance of these securities has been authorized by the Supreme Court of the State of New York and the District Court of the United States for the Western District of Pennsylvania, by orders dated July 11 and 20, 1917, respectively, copies of which are attached to the petition herein as exhibits I and J. Now therefore, upon the foregoing record:

Ordered as follows: 1. That Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, is hereby authorized to issue his certificates of indebtedness to the aggregate amount of \$1,700,000 face value, bearing interest at the rate of 6 per cent per annum, \$1,500,000 face value of which shall be dated August 1, 1917, and designated as Series A, and \$200,000 face value shall be dated September 1, 1917, and designated as Series B, which certificates shall mature on August 1 and September 1, 1917, respectively.

2. That said certificates of indebtedness of the total face value of \$1,700,000 shall be used solely and exclusively for the purpose of exchange at face value for \$1,500,000 face value of Series A and \$200,000 face value of Series B certificates of indebtedness maturing on August 1 and September 1, 1917, respectively.

3. That none of the said certificates herein authorized shall be hypothecated or pledged as collateral by Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

4. That Frank Sullivan Smith, Receiver of The Pittsburg, Shawmut and Northern Railroad Company, shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what certificates have been exchanged or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such exchange or other disposition; (c) with whom such certificates were exchanged; (d) amount and description of certificates which have been received in exchange; (e) any other terms and conditions of such exchange.

Such reports shall continue to be filed until all of said certificates shall have been exchanged in accordance with the authority contained herein, and if during any period no certificates were exchanged the report shall set forth such fact.

5. That the authority contained in this order to issue certificates is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any certificates are issued pursuant hereto and within thirty days of the service hereof the petitioner shall advise the Commission whether or not he accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the said certificates herein authorized to be issued are reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5376]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of JOHN J. NEIL under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Geneva, it being proposed that the route shall also be operated to Penn Yan.

Joint Petition of JOHN J. NEIL and GENEVA-PENN YAN TRANSPORTATION COMPANY, INC., for leave to assign the certificate to the company.

February 16, 1916, the Commission granted a certificate of public convenience and necessity to John J. Neil for the operation of a stage route by auto buses in the city of Geneva. The grantee of the certificate and the Geneva-Penn Yan Transportation Company, Inc., now petition the Commission

for its consent to the assignment by John J. Neil to the Geneva-Penn Yan Transportation Company, Inc., of Neil's interest in said certificate. The Commission held a hearing in Geneva on July 20, 1917, at which George I. Teter of Geneva appeared for petitioners and no one appeared in opposition. It is therefore

Ordered: That the consent of the Commission be and hereby is given to the assignment by John J. Neil to Geneva-Penn Yan Transportation Company, Inc., of the interest of said John J. Neil in the certificate of public convenience and necessity granted by the Commission to said John J. Neil February 16, 1916.

[Case No. 5416]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of SENECA POWER CORPORATION and CENTRAL NEW YORK GAS AND ELECTRIC COMPANY and EMPIRE COKE COMPANY under sections 69 and 70 of the Public Service Commissions Law for approval of a lease of plant of Seneca Power Corporation to Central New York Gas and Electric Company, said lease to be guaranteed by Empire Coke Company; and for authority to Seneca Power Corporation to increase its capital stock from \$5000 to \$1,600,000 and to issue such stock and to make a mortgage, and to issue \$450,000 in amount of its first mortgage bonds, such bonds to be guaranteed by Central New York Gas and Electric Company. Also separate petition of EMPIRE COKE COMPANY under sections 69 and 70 of the Public Service Commissions Law.

Supplemental
order.

Petition filed February 2, 1916; supplemental petition filed February 7, 1916; second supplemental petition filed February 19, 1916; report of electrical engineer dated March 16, 1916; amended form of mortgage filed March 20, 1916; amended form of collateral trust agreement filed March 20, 1916; hearing held March 29, 1916; third supplemental petition filed April 14, 1916; two orders entered April 20, 1916; fourth supplemental petition filed July 19, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Empire Coke Company is hereby authorized to execute and deliver to the Metropolitan Trust Company of the City of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain supplement dated May 1, 1917, to its mortgage dated March 1, 1916, securing an issue of \$500,000 aggregate face value of collateral trust 6 per cent twenty-five year gold bonds, authorized to be executed by order entered herein on the 20th day of April, 1916, a copy of which supplement has been filed with this Commission herein, and that the form thereof so filed is hereby approved.

2. That upon the execution and delivery of said supplement so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the supplement as executed and delivered is the same as that herein approved by this Commission,

528 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5755]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the BOARD OF SUPERVISORS OF ONONDAGA COUNTY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY (lessee Syracuse, Binghamton and New York Railroad) under section 91 of the Railroad Law as to the elimination of two highway grade crossings of the Syracuse, Binghamton and New York railroad in the county of Onondaga.

Modification
of order.

The Board of Supervisors of Onondaga County and The Delaware, Lackawanna and Western Railroad Company have jointly petitioned the Commission for a modification of its order of January 2, 1917, herein, the changes asked for being as follows:

In respect of the requirements for the proposed undergrade crossing located about 0.6 mile south of Onativia, that the character of pavement to be laid in the subway and on the approaches be changed from bituminous macadam to waterbound macadam, and that the length of one of the vertical curves in the roadway where a change of grade occurs be shortened from 100 feet to 50 feet.

In respect of the proposed June overhead crossing located about 1.6 miles north of Apulia station, that the character of structure be changed from the abutment and steel bridge type to a concrete arch; that the approach grades be so altered as to fit such changed type of structure; and that the material for paving the roadway on the approaches and the crossing structure be changed from bituminous macadam to waterbound macadam.

The reasons advanced for the suggested changes in the order so far as the undergrade crossing is concerned are that the grade line will be improved and that on account of the steep grades on the highway it is more advisable to construct waterbound macadam roadways rather than pavements of bituminous macadam.

The reasons advanced for the suggested changes in the character of construction of the overhead crossing are that the cost of steel construction has greatly increased and that material used in such construction is difficult to obtain; that by reason of the change in type of construction as proposed the grades leading to the overhead crossing must necessarily be slightly revised; and that on account of the steep approach grades it is more advisable to construct waterbound macadam roadways rather than roadways paved with a bituminous macadam.

The Commission is informed and believes that no property owners other than those receiving notice of the original hearing will be affected by the proposed changes in grade or structure; that the reason advanced for the change in type of pavement is sound; it certainly has knowledge of the high cost of and present difficulty attending the purchase, manufacture, and delivery of bridge steel; and under the circumstances has accordingly determined that the petition should be granted. It is therefore

Ordered: 1. That the order herein of January 2, 1917, be changed so that the fourth and fifth paragraphs of that part of said order following "Ordered: 1," respectively shall read as follows:

"Beginning on the west side of the tracks at the point where the new highway hereinbefore described diverges from the existing highway, the

finished grade of the highway is to be raised about 6 feet, this point being the beginning of the work chargeable to the elimination; proceeding thence toward the undergrade crossing, the highway grade shall descend at the rate of 3.16 per cent a distance of about 280 feet; thence by vertical curve about 215 feet long leading to a descending 8 per cent grade about 370 feet long; thence by vertical curve about 50 feet long to a short piece of descending 2 per cent grade through the subway; thence by vertical curve about 100 feet long to a descending 7.5 per cent grade about 1060 feet long; thence by vertical curve about 100 feet long to a descending 2.4 per cent grade to the end of the improvement, where a junction is made on the east side of the tracks with the highway leading to Apulia, at which point the finished grade shall be about one foot above the grade of the existing highway."

"All embankments for the new roadway shall be built with a width of not less than 24 feet between the edges of shoulders. In cuts, the width shall be not less than 30 feet between exterior edges of side drainage ditches. In the center of said new highways and approaches there shall be constructed a waterbound macadam pavement at least 9 inches thick and 12 feet wide."

2. That said order of January 2, 1917, be revised and changed so that the third, fourth, and fifth paragraphs of that part of said order following "2," respectively shall read as follows:

"The overgrade crossing shall consist of a reinforced concrete arch with a clear opening of 43 feet 6½ inches. The highway arch is to have a roadway 20 feet wide in the clear. The clear headroom above the top of the rails shall be not less than 22 feet."

"The grades on the new highway and approaches shall be as follows: Beginning on the west side of the tracks at the point of departure from the existing highway, the grade on the new highway herein provided for shall descend at the rate of 3.5 per cent toward the north a distance of about 300 feet; thence by vertical curve about 150 feet long to an ascending 5 per cent grade about 175 feet long; thence by vertical curve about 150 feet long across the highway arch to a descending 9 per cent grade on the east side of the tracks about 720 feet long; thence by a vertical curve about 200 feet long to a descending 3 per cent grade about 250 feet long; thence by vertical curve merging into a 5 per cent grade to a junction with the existing highway leading to Onativia, said new highway intersecting said old highway surface at a point about 2 feet below the grade thereof."

"All embankments for the new roadway shall be built to a width of not less than 24 feet between the edges of shoulders. In cuts, the width shall be not less than 30 feet between exterior edges of side drainage ditches. In the center of said new highways and approaches there shall be constructed a waterbound macadam pavement at least 9 inches thick and 12 feet wide throughout the entire length of the improvement provided for in this determination, except that on the superstructure the entire width between curb lines shall be paved with this same material."

530 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5797]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of A. F. WILLIAMS of Corning *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking that loaded freight cars consigned to him, coming from other railroads, be delivered on the Tioga Avenue sidetrack of said company in Corning.

Upon the facts found and for the reasons stated in the accompanying opinion, it is

Ordered: 1. That the respondent, The New York Central Railroad Company, receive upon its interchange tracks with the Erie Railroad Company and The Delaware, Lackawanna and Western Railroad Company in the city of Corning, carload freight consigned to the complainant, A. F. Williams, and not moving interstate, and deliver the same upon the sidetrack adjoining complainant's premises on Tioga avenue.

2. That the respondent may file and publish on three days' notice any necessary amendment or supplement to its tariffs in order to carry into effect this order.

3. That the order shall remain in effect only so long as the respondent continues to perform similar service for competitors in business of the complainant.

4. That respondent shall, within ten days after the service of this order, notify the Commission as to its acceptance thereof.

[Case No. 5981]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for the elimination of crossings in the cities of Tonawanda and North Tonawanda.

The present route of the Niagara Falls branch of the New York Central railroad through the city of Tonawanda is partly on private right of way, but for a distance of about 2000 feet it is located in and upon the surface of Main street to Tonawanda creek (now being canalized as a part of the State Barge Canal system), the center of the creek forming the boundary between the cities of Tonawanda and North Tonawanda. After crossing this creek the railroad continues in and upon the surface of Webster street in the

city of North Tonawanda to the junction of that street with Main street a distance of approximately 1500 feet to private right of way.

Beginning at a point a short distance north of the junction of Main street and Webster street in the city of North Tonawanda, the Tonawanda branch of the New York Central railroad leaves the Niagara Falls branch, and bearing in a southeasterly direction on private right of way, after crossing in order Tonawanda creek, and the Lockport branch of the Erie railroad and the International railway (each at grade), proceeds in an easterly direction to Batavia. The distance between the two crossings of Tonawanda creek by the Niagara Falls branch and the Tonawanda branch, respectively, is approximately 1500 feet.

Along the routes above described the following streets in the city of Tonawanda are crossed at grade by the Niagara Falls branch: Kohler street, Minerva street, Hill street, Fletcher street, Morgan street, Broad street, and Niagara street at its junction with Young street; in the city of North Tonawanda by the Niagara Falls branch, Sweeney street, Tremont street, Goundry street, and Main street; in the city of North Tonawanda by the Tonawanda branch, Goundry street and Tremont street, Sweeney and Oliver streets being crossed overgrade on this branch.

The petition of The New York Central Railroad Company alleges (a) that all of said grade crossings and street surface occupations are dangerous and in the interests of public safety should be eliminated; (b) that the elimination of said crossings and surface occupations upon the present alignment of the railroad is not feasible or practicable; (c) that the improvement of the Erie canal under the provisions of chapter 147 of the laws of 1903 as amended, renders it necessary to alter and change the two bridges carrying the railroad across Tonawanda creek; (d) that the Barge Canal authorities of the State of New York have suggested that one bridge to carry both the Niagara Falls branch and the Tonawanda branch of the petitioner's railroad shall be constructed, thus through the elimination of one bridge and in other ways facilitating Barge Canal navigation.

In accordance with the recommendation of the Barge Canal authorities, the railroad company entered into negotiations with the cities of Tonawanda and North Tonawanda to secure franchises covering the proposed re-alignment of its tracks. The proposition involved abandonment of the present route of the Niagara Falls branch between a point about 340 feet south of Kohler street in the city of Tonawanda and a point about 400 feet south of the south line of Thompson street in the city of North Tonawanda, and in place thereof construction of a double track railroad extending from said point south of Kohler street, bearing in an easterly direction and running parallel with and on the north side of the "State Ditch," so called, to the vicinity of Delaware avenue in the city of Tonawanda; thence curving to the left to a point immediately beyond Ellicott creek; thence proceeding northerly to a junction with the Tonawanda branch approximately at its present location, and after crossing Tonawanda creek by a new bascule bridge, continuing along approximately the present line of said Tonawanda branch in the city of North Tonawanda, to the end of the proposed change of line south of Thompson street. The re-alignment thus generally described incidentally requires a partial relocation of the Tonawanda branch of the petitioner's road and a change in the location of its crossing the Erie railroad and the International railway respectively.

The franchises for the proposed changed line were granted by the cities of Tonawanda and North Tonawanda on May 9, 1917, and March 20, 1917, respectively, and there is now pending an application of the railroad company under section 53 of the Public Service Commissions Law for the approval by this Commission of the exercise of certain rights under section 24 of the Railroad Law and of the exercise of said franchises.

Upon the present application, after proper notice to all parties in interest, hearings were held by this Commission on June 29 and July 10, 1917. At these hearings appeared M. C. Spratt and B. S. Voorhees for The New York Central Railroad Company; Morris Cohn for the International Railway Company; E. D. Minard for the Erie Railroad Company; F. H. Milliner for the City of

Tonawanda; Lewis T. Payne and George O. Miller for the City of North Tonawanda; and various property owners either in person or by counsel.

It appears from the evidence and a map prepared and filed in the case by the railroad company that the greater part of the new line in the city of Tonawanda is to be elevated about 20 feet above the existing street and ground surfaces except from the point of divergence to a point a short distance north of Kohler street, the grade of the new road for the entire distance from said point of divergence to its intersection with Young street being level, and that along this changed route Kohler street, Main street, Grove street, William street, Delaware avenue, Glenwood avenue, Elm street, Young street, Ellicott Creek road, Fillmore avenue, East street, and Niagara street as they exist at present will be crossed.

Beginning at a point approximately on the north line of Young street the railroad profile shows a descent across Ellicott creek at the rate of about 0.2 per cent, the total length of said descending grade being about 2750 feet; thence continuing level across Tonawanda creek a distance of about 1150 feet; thence descending uniformly at the rate of about 0.4 per cent to the northerly point of diversion near Thompson street in the city of North Tonawanda. The streets to be crossed in the city of North Tonawanda by the changed and elevated line will be Sweeney street at its junction with Oliver street, Tremont street, Goundry street, and Marion street.

The proposed embankment upon which the re-located Niagara Falls branch is to be operated will intersect and cut off a siding now owned and operated by the Erie Railroad Company and certain industries in the city of Tonawanda. The Erie Railroad Company, while not objecting to the project in general and the proposed changed alignment in particular, objects to the closing and discontinuance of this siding. Several property owners also object on the ground that their track facilities would be destroyed or seriously affected. (See testimony in case No. 6051—approval of franchises.)

It is proposed that in the city of Tonawanda the new railroad shall cross over the grades of Kohler street, Main street, Grove street, Delaware avenue, Young street, Fillmore avenue, and Niagara street, and shall cross over the grades of Sweeney street, Tremont street, and Goundry street in the city of North Tonawanda; that in the city of Tonawanda, Nowak street shall be diverted east of the new railroad line to Kohler street; that Williams street shall be closed and traffic thereover diverted by means of a new street on the north side of the proposed railroad to Delaware avenue; that Glenwood avenue and Elm street shall be closed and traffic thereover diverted by a new street to be constructed between Glenwood avenue and Young street on the west side of the new railroad, which would permit crossing undergrade both at Young street and by a new crossing to be constructed near the intersection of Glenwood avenue and the new railroad; that East street shall be closed where it crosses the proposed railroad line, and that Ellicott Creek road shall be closed between Young street and the easterly right of way line of the Erie railroad; that Fremont street shall be closed from Young street to Fillmore avenue, and a new street about 275 feet west of the present thoroughfare constructed from Fillmore avenue to Young street, the existing bridge to be removed to the new street location; that there shall be constructed a new thoroughfare connecting Young street and Ellicott Creek road on the east side of the Erie and International railroads. And it is proposed that in the city of North Tonawanda there shall be constructed a new street on the west side of the new railroad from Marion street to Goundry street, and a new street on the east side of the railroad from Oliver street to Sweeney street. The plan contemplates and the franchises mentioned are expressly conditioned upon the removal of the present railroad tracks from the surface of Main street and Webster street in the cities mentioned, respectively. Also it is the intention of the railroad company to abandon its present passenger station on Main street in the city of North Tonawanda, and its station near Webster and Main streets in the city of North Tonawanda, and in place thereof, respectively, to construct a new station in the city of Tonawanda at a point about 400 feet east of Main street, and one in the city of North Tonawanda at a point where the projected new line intersects Goundry street.

The Commission is aware of the fact that the operation of the railroad in Main street, Tonawanda, and Webster street, North Tonawanda, and as well the existence of numerous grade crossings mentioned, constitutes a menace to public safety; and after a careful study of the evidence and of the plan submitted and of all the considerations involved, has finally concluded that although the adoption of said plan will cause inconvenience to some, safeguarding against personal injuries and property damage requires and justifies removal of the railroad tracks from said Main street and Webster street and from the various streets which as stated are now crossed at grade; and accordingly it has been determined that the petition should be granted. It is therefore

Ordered: 1. That the existing grade crossings of the Niagara Falls branch of the New York Central railroad in the city of Tonawanda at Kohler street, Minerva street, Hill street, Main street, Fletcher street, Morgan street, Broad street, and Niagara street at its junction with Young street; and in the city of North Tonawanda at Sweeney street, Tremont street, and Main street; and on the Tonawanda branch in the city of North Tonawanda at Tremont street and Goundry street, be closed and discontinued, and that the line of the railroad be changed from a point a short distance south of Kohler street in the city of Tonawanda to a point a short distance south of Thompson street in the city of North Tonawanda as hereinbefore described and as more minutely shown on a General Plan bearing date March 6, 1917, on file with this Commission, marked "Applicant's Ex. No. 5" in case 6051, said map being entitled "N. Y. C. R. R. Buffalo and East, Niagara and Tonawanda Branches, Buffalo Division; Proposed Change of Line and Barge Canal Crossing at Tonawanda Engineering Department Scale 1" = 200'".

The new line is to pass over the grade of Kohler street approximately 14 feet above the existing level of the street; the surface of the street to be so altered as to provide a clear headroom of not less than 13 feet, the width of the crossing to be the full width of the street as it exists. From this point the new railroad will be at such elevation that the surface of none of the streets in the city of Tonawanda need be changed and the new line accordingly shall provide for a headroom of not less than 14 feet at Main street and of not less than 13 feet at Grove street, Delaware avenue, Young street, Fillmore avenue, and Niagara street, respectively; the width of each of the resulting subways to be the present width of the street crossed. An under-grade crossing with its axis at right angles to the proposed track alignment shall also be built to a width of about 70 feet at Glenwood avenue.

In the city of Tonawanda there shall be constructed (a) A new street 66 feet wide and about 140 feet long from William street to Delaware avenue on the northerly side of the new railroad, and William street shall be closed between the new right of way lines; (b) A new street 70 feet wide and about 800 feet long between Glenwood avenue and Young street, adjacent to, parallel with, and on the westerly side of the new railroad, and Elm street and Glenwood avenue shall be closed between the new right of way lines; (c) A new street 50 feet wide and about 100 feet long on the east side of the new railroad from Nowak street to Kohler street, and Nowak street shall be closed between the new easterly right of way line and its present junction with Kohler street; (d) A new street 66 feet wide and about 300 feet long from Young street immediately east of its crossing of the Erie and International railroads easterly to Ellicott Creek road, and Ellicott Creek road as it now exists shall be closed between Young street and the easterly right of way line of the International railway; (e) A new street 50 feet wide and about 360 feet long to connect Fillmore avenue and Young street at a point about 275 feet west of Fremont street, and the existing bridge at Fremont street over Ellicott creek shall be removed to the line of this new street, and Fremont street as it now exists shall be closed; (f) East street shall be closed from the new westerly right of way line to a point about 200 feet east of the railroad.

That in accordance with the franchise granted to the petitioner corporation by the City of Tonawanda, The New York Central Railroad Company shall abandon its present route between the south side of the Tonawanda creek and a point approximately three hundred (300) feet south of Kohler street

and shall remove all of its tracks between said points and shall remove all embankments and masonry work, leaving said right of way level with the surrounding land and shall pave with brick the opening in Main street caused by the removal of its tracks where they cross said street near Johnson street and shall pave with brick the openings in Main street at its intersection with Fletcher, Morgan, Broad, and Young streets respectively, caused by the removal of its tracks, the railroad company having agreed to convey to the City of Tonawanda any and all lands now owned or occupied by it from a point approximately one hundred (100) feet south of Fletcher street to the intersection of its present right of way with Tonawanda creek along said right of way and contiguous to Main street on the east.

In the city of North Tonawanda the new railroad shall cross over the grade of Sweeney street as at present constructed so as to provide a headroom of 14 feet without disturbing the existing street surface, and over the grades of Tremont and Goundry streets, the existing surfaces of which are to be revised in accordance with the proposed track elevation. A headroom of at least 13 feet shall be provided at Tremont street and a headroom of at least 13 feet 7½ inches at Goundry street, the subways to be of the full existing widths of the corresponding streets, respectively. Also, in the city of North Tonawanda there shall be constructed (a) A new street 66 feet wide on the easterly side of the new railroad line from Oliver street to Sweeney street, and Oliver street shall be closed where it crosses said new railroad line; (b) A new street 66 feet wide on the westerly side of the new railroad line and parallel therewith, from Marion street to Goundry street, and Marion street shall be closed where it crosses said new railroad line.

Also provided that in the city of North Tonawanda The New York Central Railroad Company shall pave the openings in Webster street at its intersections with Sweeney street, Tremont street, Goundry street, and Main street, caused by said removal of tracks, such paving to correspond with that now existing in each of the intersecting streets mentioned, respectively.

As heretofore stated, the Tonawanda branch of the petitioner corporation now crosses the Erie railroad and the International railway at grade. The re-located Tonawanda branch also shall cross these railroads at grade, at a point about 250 feet south of the existing grade crossings, the abandonment of which and the location and construction of the proposed new crossings are hereby approved—any proper apportionment among the railroad corporations of the cost and expense of such re-location and new crossing to be hereafter determined by this Commission.

Retaining walls and all other incidental structures shall be erected and built, and the construction and improvement of new streets shall be done and made in accordance with the provisions of the franchises granted respectively by the cities of Tonawanda and North Tonawanda and as generally shown on the General Plan hereinbefore referred to and as may be hereafter particularly prescribed and directed by this Commission; and the grades of the streets, materials used in all construction and the character thereof, etc., shall be as hereafter determined and approved by this Commission.

This Commission being of opinion that the Erie Railroad Company properly should not be deprived of its present sidetrack facilities in the vicinity of Fillmore avenue in the city of Tonawanda (particularly referred to in the testimony in this case) as a result of the proposed new railroad at the point mentioned, and it appearing impracticable under the proposed general plan to provide for a direct connection of said sidetracks with the Erie railroad as at present, the two railroad corporations mentioned are negotiating an agreement which it is hoped and expected may be effected, whereby the business of the Erie railroad on and over said sidetracks may be preserved to it under arrangement as to switching of its cars to and from the industries served by said sidetracks by the New York Central railroad, which shall be satisfactory to the parties and shall be approved by this Commission; it having been stipulated and agreed with the Commissioner in charge by the two corporations that in case of failure on their part to arrive at a satisfactory agreement in the premises within thirty days after the entry and service of this order the controversy shall be submitted to the Commission for a determination which shall be accepted as final by the parties.

It having been proposed and stipulated by the petitioner corporation upon its application for and acceptance of the hereinbefore mentioned franchises granted by the cities of Tonawanda and North Tonawanda respectively, that said railroad corporation would bear all the costs, charges, and expense of constructing its said proposed railroad and of all and singular the incidental street changes and improvements in the said cities; in pursuance thereof and of the understanding by this Commission that the petitioner corporation is prepared to assume the entire statutory share of the State of New York and of the municipalities in the cost of the improvement herein authorized as a condition to the granting of this order, it is finally

Ordered: That The New York Central Railroad Company is not limited to its statutory share of the cost (one-half of the total) of the construction and work herein authorized and provided for, but that it shall assume, pay, and discharge the entire cost and expense of such construction and work, including the cost of any and all lands, rights, and easements necessary and required for the purposes of this order, and of any and all land or other damages whatsoever which may be incurred by reason hereof; this order being granted upon the express condition that no financial liability or obligation whatsoever shall attach to or fall upon the State of New York or upon the cities of Tonawanda or North Tonawanda, or either of them, on account of the construction and work herein authorized, or the acquisition of any lands, rights, or easements for the purposes thereof, or of any expenses, charges, or pecuniary liability incidental thereto; and that no sum shall be chargeable to or paid for account of the cost of this elimination project out of any moneys which may have been or may be appropriated by the Legislature of the State of New York for the purpose of the elimination of grade crossings, or of the reconstruction of work at crossings either at grade or otherwise. But this provision as to assumption by The New York Central Railroad Company of the entire cost and expense of this project is not intended to determine as between the hereinafter mentioned railroads whether or not there exists any contractual obligation on the part of either the Erie Railroad Company or the International Railway Company to share with The New York Central Railroad Company the expense of re-locating the respective tracks and facilities of the two first mentioned railroads, where crossed by the new alignment of the New York Central railroad at grade in the city of Tonawanda, or the expense of re-locating the tracks and facilities of the International railway where crossed by such new railroad overgrade in the city of North Tonawanda at Sweeney and Goundry streets.

The acceptance of this order by The New York Central Railroad Company shall be deemed as its undertaking to save the State of New York and this Commission harmless from all costs, charges, expenses, claims, or demands whatsoever on account of this order and of any of the provisions thereof.

536 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6066]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of SENECA RIVER POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct in a portion of the town of Van Buren, Onondaga county, an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise to use highways and public places therefor received from said town.

This is a petition by Seneca River Power Company for permission to construct an electric plant in a portion of the town of Van Buren, Onondaga county, and for approval of the exercise of a franchise therefor granted by the town board of the Town of Van Buren and superintendent of highways of said town March 23, 1917. A public hearing was held in the city of Syracuse July 23, 1917, at which Mr. E. M. White appeared for the applicant and no one appeared in opposition. At said hearing the attention of counsel for applicant was called to a provision in paragraph 2 of the franchise aforementioned, requiring the appliances and structures of the company to be kept and maintained in such good order and repair as shall be directed and approved by the town board. It was agreed that, in spite of the provision in the franchise, the authority of the Commission over the safety and adequacy of the company's appliances would be recognized.

It is determined and stated that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to Seneca River Power Company under section 68 of the Public Service Commissions Law to construct, maintain, and operate the necessary poles, wires, cables, conduits, appliances, and structures in, through, upon, under, and across all the streets, alleys, highways, and public ways of that portion of the town of Van Buren hereinafter described, viz: All that portion of the town of Van Buren lying north of a line beginning at the bridge across the Seneca river at the place commonly known as Jack's Reef; thence along the southerly boundary of the highway to its intersection with the south line of lot No. 25; thence along the south line of lots Nos. 25, 26, 27, 28, and 29 and across lot No. 42 to the south line of lot No. 43; thence along the south line of lot No. 43 to the Geddes town line; for the purpose of transmitting electric power in and through that portion of said town and for the purpose of using, furnishing, and distributing electricity for light, heat, and power to that portion of the said town of Van Buren and the inhabitants thereof.

2. That the permission and approval of the Commission be given to said Seneca River Power Company to exercise the rights and privileges conferred by said franchise granted by the town board and superintendent of highways of the said Town of Van Buren March 23, 1917, subject to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

[Case No. 6068]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of MERTON STOCKING under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Corning, it being proposed that the route shall also be operated between Corning and the incorporated village of Hammondsport.

Merton Stocking asks for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Corning as a part of a route to be operated between Corning and the incorporated village of Hammondsport. The consent of the municipal authorities of the City of Corning was granted June 4, 1917, subject to certain terms and conditions. A public hearing was held in Geneva July 20, 1917, at which Mr. Thomas Shannon appeared for petitioner; petitioner appeared in person; Messrs. Stanchfield, Lovell, Falck & Sayles, by William Flannery, appeared for Corning and Painted Post Street Railroad Company; and Mr. G. W. Cheney appeared for S. K. Wolcott, in opposition. It was stipulated at said hearing that no passengers would be carried by petitioner from one point to another point within the city of Corning, or between Corning and the village of Painted Post. Now therefore, this Commission hereby certifies that public convenience and necessity require the operation by Merton Stocking of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Corning, a copy whereof is attached to the petition herein, through and upon West Pulteney, Bridge, State, Front, Chestnut, and Market streets to Public Square, and from Bridge street through State and Market streets to Public Square, to be operated only as a part of a line from the city of Corning to the incorporated village of Hammondsport, but not to carry passengers locally from one point to another point within said city of Corning, nor between Corning and the village of Painted Post. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned and subject to present and future ordinances of the City of Corning and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

538 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6070]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the petition of the MARION RAILWAY CORPORATION under subdivision 10, section 8, Railroad Law, for consent to issue a first mortgage for \$100,000; under section 55, Public Service Commissions Law, for authority to issue now \$50,000 in 5 per cent 25-year gold bonds to be secured thereby; also \$10,000 in preferred stock.

Supplemental
order.

By order herein dated July 18, 1917, the Marion Railway Corporation was authorized, among other things, to execute and deliver a certain indenture upon all its plant and equipment, dated July 1, 1917, to secure bonds to the aggregate amount of \$100,000 face value and to issue and sell thereunder for not less than their face value \$50,000 face value of first mortgage 5 per cent 25-year gold bonds and to use their proceeds for the acquisition of the property, rights, privileges, etc., formerly belonging to the Newark and Marion Railway Company, and for the rehabilitation of such property and for working capital. Clause 1 of said order provided "that no bonds shall be issued under the security thereof until the form of said indenture shall have been approved by this Commission".

Since the filing of said indenture, a copy of which is attached to the petition herein, correspondence has been had with the petitioner regarding certain amendments thereto and corrections therein which were required, and the corrections indicated by this Commission have been made. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the form of mortgage dated July 1, 1917, attached to the petition herein as schedule A to be given to Albert R. Halstead, of Marion, N. Y., as trustee, to secure an aggregate issue of \$100,000 face value of 5 per cent 25-year first mortgage gold bonds, submitted by the Marion Railway Corporation with its petition herein on the 23rd day of June, 1917, and as since amended, as the result of subsequent correspondence as indicated in the filed copy, is hereby approved.

2. That upon the execution and delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by this Commission.

[Case No. 6107]

STATE OF NEW YORK
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of HARLOW E. RALPH under section 68, Public Service Commissions Law, for permission to construct a transmission line for electricity in portions of the towns of Ellisburg and Henderson, Jefferson county, and for approval of franchises therefor received from said towns.

Harlow E. Ralph asks permission to construct, in portions of the towns of Ellisburg and Henderson, Jefferson county, poles and wires for transmitting electric current from a connection with electric lines of the Lake Shore Electric Company at the hamlet of Roberts Corners to the incorporated village of Belleville; and for approval of the exercise of rights and privileges under franchises to use a highway therefor received from the town boards and superintendents of highways of said towns. The franchises are as follows:

1. Consent of the town board and superintendent of highways of the Town of Ellisburg, Jefferson county, dated June 25, 1917, to build, erect, construct, maintain and operate the said proposed transmission line from the town line of Henderson to Belleville, along and over the highway between Roberts Corners and Belleville.

2. Consent of the town board and superintendent of highways of the Town of Henderson, Jefferson county, dated June 25, 1917, to build, erect, construct, maintain and operate the said proposed transmission line from Roberts Corners to the Ellisburg town line, along and over the highway between Roberts Corners and Belleville.

Petitioner now furnishes electricity to the public in the incorporated village of Belleville, Jefferson county. A public hearing was held in the city of Syracuse on July 23, 1917, at which Harlow E. Ralph appeared in person and no one appeared in opposition.

It is determined and stated that the construction of said electric transmission line and the exercise of said franchises are necessary and convenient for the public service, and it is

Ordered: .1. That the permission and approval of the Commission be given to Harlow E. Ralph under section 68 of the Public Service Commissions Law to build, erect, construct, maintain, and operate the said proposed transmission line from the town line of Henderson to Belleville, along and over the highway between Roberts Corners and Belleville; and also to build, erect, construct, maintain, and operate the said proposed transmission line from Roberts Corners to the Ellisburg town line, along and over the highway between Roberts Corners and Belleville, in accordance with the terms and provisions of the franchises aforesaid.

2. That the permission and approval of the Commission be given to said Harlow E. Ralph to exercise the rights and privileges conferred by each of said franchises, subject however to all terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

540 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6109]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE DELAWARE AND HUDSON COMPANY for approval of its agreement with The Pennsylvania Railroad Company, the Northern Coal and Iron Company, and the Wilkes-Barre Connecting Railroad Company, for the construction, operation, and maintenance of the railroad of the Wilkes-Barre Connecting Railroad Company.

Petition filed May 24, 1917; hearing held July 18, 1917. Now therefore, upon the foregoing record,

Ordered: That the approval of this Commission is hereby given to the execution by The Delaware and Hudson Company of a certain agreement dated December 29, 1914, and supplement thereto dated May 1, 1917, between The Pennsylvania Railroad Company, Northern Coal and Iron Company, The Delaware and Hudson Company, and Wilkes-Barre Connecting Railroad Company, concerning the construction, operation, and maintenance of the railroad of the last named company, including the performance of each and every obligation under such agreement and the endorsement upon the bonds to be issued by the Wilkes-Barre Connecting Railroad Company of the guarantee by The Delaware and Hudson Company of the principal and interest thereof.

[Case No. 6126]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE DELAWARE AND HUDSON COMPANY under section 55, Public Service Commissions Law, for authority to issue \$9,000,000 in three-year 5 per cent gold notes, and as to part of the collateral to secure them; also as to trust agreement.

Petition filed July 14, 1917; hearing held July 24, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Delaware and Hudson Company is hereby authorized to execute and deliver to the United States Mortgage and Trust Company, as trustee, a corporation organized and existing under the laws of the State of New York, a certain trust agreement, to be dated August 1, 1917, to secure an issue of three-year secured gold notes to the aggregate amount of \$9,000,000 face value, to be dated August 1, 1917, and to bear

interest at the rate of 5 per cent per annum, payable semiannually on the first days of February and August in each year, a copy of the form of which agreement has been filed with this Commission herein, and such form so filed is hereby approved; provided that said company shall have no right or authority to issue any notes pursuant to the terms of said agreement except as herein or hereafter authorized by this Commission.

2. That upon the execution and delivery of said agreement so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the agreement as executed and delivered is the same as that herein approved by this Commission.

3. That The Delaware and Hudson Company is hereby authorized to issue \$9,000,000 face value of its three-year 5 per cent gold notes under the afore-said agreement, in the denomination and form, in the manner, and under all the terms and conditions as specified therein.

4. That said notes of the total face value of \$9,000,000 may be sold for not less than 97 per cent of their face value and accrued interest to give net proceeds of at least \$8,730,000.

5. That said notes of the face value of \$9,000,000 so authorized or the proceeds thereof to the amount of \$8,730,000 shall be used solely and exclusively for the following purposes:

(a) To be applied toward the same purpose for which \$5,000,000 face value of 4 per cent first and refunding mortgage bonds of The Delaware and Hudson Company, or their proceeds, were authorized to be used by orders dated July 7, 1908, and March 20, 1917, in case No. 348, to wit: To retire outstanding first mortgage 7 per cent bonds secured by a mortgage dated August 18, 1877, given to the Union Trust Company of New York, as Trustee, which mature on September 1, 1917.....		\$5,000,000.00
(b) To be applied toward the same purposes for which \$4,000,000 face value of 4 per cent first and refunding mortgage bonds of The Delaware and Hudson Company, or their proceeds, were authorized to be used by order dated May 15, 1917, in Case No. 5924, to wit:		
1. For the payment of loans and bills payable owing at December 31, 1916, as shown in schedule 3-F attached to the petition, or their renewals	\$1,927,603.98	
2. For expenditures after December 31, 1916, to complete addition and betterment projects under way at December 31, 1916, shown in column 2 of schedule 2 attached to the petition herein	986,405.74	
3. For expenditures to complete proposed additions and betterments to be begun after December 31, 1916, shown in column 3 of schedule 2 attached to the petition herein...	251,245.98	
4. To provide for expenditures to be made to complete the purposes in respect to which the bonds authorized in Case No. 8500 by order of even date herewith are insufficient..	858,806.69	
		<u>4,019,062.34</u>
		\$9,019,062.34

The authorization herein contained is in lieu of that embodied in orders dated July 7, 1908, and March 20, 1917, in case No. 348, and order dated May 15, 1917, in case No. 5924 for the issue of 4 per cent first and refunding mortgage bonds aggregating \$9,000,000 face value.

Amount unprovided for \$289,062.84

in so far as the same may be applicable, provided (1) That such notes or the proceeds thereof shall be applied on such new construction summarized in sections 2 to 4 inclusive of subdivision (b) hereof only in so far as the same is a real increase in the Road and Equipment of the petitioner and not a replacement of any part of such Road and Equipment or substitution for wasted capital or other loss properly chargeable to Income in accordance with the definitions contained in the Classification of Investment in Road and Equipment of Steam Roads adopted by this Commission. (2) That there shall be no charges to Road and Equipment on account of engineering services in connection with such construction unless such engineering services shall

have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers and employees under an express assignment to such construction work. (3) That if there shall be required for the aforesaid purposes, subject to the limitations herein contained, a sum less than an amount equal to the face value of the notes herein authorized, no portion of the proceeds of the notes herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission.

6. That if the said notes of a total face value of \$9,000,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$9,019,062.34, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

7. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by The Delaware and Hudson Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That The Delaware and Hudson Company is hereby authorized to pledge as collateral security for the notes herein authorized the following: \$7,300,000 face value of its first and refunding mortgage bonds bearing interest at the rate of 4 per cent per annum (these being a part of the \$9,000,000 face value of bonds authorized as hereinbefore recited); \$3,500,000 face value of The Albany and Susquehanna Railroad Company first mortgage 3½ per cent 40-year bonds; \$500,000 par value of Rensselaer and Saratoga Railroad Company capital stock \$100 per share; \$400,000 par value of The Albany and Susquehanna Railroad Company capital stock per share \$100: \$11,700,000.

9. That the consent of this Commission is hereby given that the United States Mortgage and Trust Company, Trustee under the said agreement herein approved, may acquire the said capital stock of the Rensselaer and Saratoga Railroad Company and The Albany and Susquehanna Railroad Company of the aggregate par value of \$500,000 and \$400,000 respectively by way of pledge only as provided in this order and only in accordance with the terms of and for the purposes specified in the aforesaid agreement.

10. That the company shall for each six months period ending December 31st and June 30th file not more than thirty days from the end of such period a verified report showing:

(a) What notes have been sold or otherwise disposed of or bonds and stock pledged therefor during such period in accordance with the authority contained herein; (b) The date of such sale or pledging; (c) To whom such notes were sold and with whom such bonds and stock were pledged; (d) What proceeds were realized from such sale; (e) The principal of each loan for which such bonds and stock are pledged; (f) The total face and par value of bonds and stock which remain pledged as collateral security for said notes on the closing date of such period; (g) With respect to subdivision (a) of clause 5 of this order there shall be shown the amount used thereof of the proceeds of the notes herein authorized; (h) With respect to subdivision (b) of clause 5 of this order there shall be shown in detail the amount expended therefor during such period of the proceeds of the notes herein authorized, and as to sections 2 to 4 inclusive of such subdivision, the account or accounts under the Classification of Investment in Road and Equipment of Steam Roads to which the expenditures for such purposes have been charged, giving all details of any credits to Road and Equipment in connection with such expenditures, together with: (1) A summary of the expenditures for each of such purposes during the period covered by the report. (2) A summary by the prescribed accounts showing the expenditures during such period.

In reporting under subdivision (h) of this clause, sections 1 and 2, there shall be further shown the expenditures of the proceeds of the notes herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period.

Such reports shall continue to be filed until all of said notes shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no notes were sold or disposed of or proceeds expended, or bonds and stock pledged therefor, the report shall set forth such fact.

11. That the authority contained in this order to issue notes and to pledge bonds and stock therefor is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any notes are issued, or bonds and stock pledged, pursuant hereto and within thirty days of the service hereof, the said company shall file with the Commission a satisfactory verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said notes herein authorized is reasonably required for the purposes specified in this order and that such purposes are not in whole or in part reasonably chargeable to Operating Expenses or to Income.

[Case No. 6135]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ORANGE AND ROCKLAND ELECTRIC COMPANY under section 69, Public Service Commissions Law, for authority to issue preferred stock, or preferred stock and mortgage bonds.

Petition filed July 18, 1917; report of division of light, heat, and power dated July 24, 1917; report of division of capitalization dated July 24, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Orange and Rockland Electric Company is hereby authorized to issue \$163,500 par value of its 7 per cent cumulative preferred capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

2. That said stock of the par value of \$163,500 so authorized or the proceeds thereof to the amount of \$163,500 shall be used solely and exclusively for proposed extensions and improvements to its plant and property as detailed in schedule B attached to the petition herein \$163,512.50. Amount unprovided for \$12.50 in so far as the same may be applicable provided: (a) That such stock or the proceeds thereof shall be applied on such new construction mentioned above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to Income in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission. (b) That there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment

to such construction or improvement work. (c) That if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the par value of the stock herein authorized, no portion of the proceeds of the stock herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission. (d) That the unit prices contained in schedule B of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the work to be done and thus properly chargeable to fixed capital but are intended and shall be construed only to be a present estimate of the probable cost of such work, the actual cost of which must be actual expenditures made as defined in the Commission's Uniform System of Accounts for Electrical Corporations.

3. That the Orange and Rockland Electric Company shall for each six months period ending December 31st and June 30th file not more than thirty days from the end of such period a verified report showing: (a) What stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) The date of such sale or disposition; (c) To whom such stock was sold; (d) What proceeds were realized from such sale; (e) Any other terms and conditions of such sale; (f) In detail the amount expended during such period of the proceeds of the stock herein authorized for the purpose specified herein, and the account or accounts under the Uniform System of Accounts to which the expenditures for such purpose have been charged, giving all details of any credits to fixed capital in connection with such expenditures. (g) A summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivision (g) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended, the report shall set forth such fact.

4. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order and that such purpose is not in whole or in part reasonably chargeable to Operating Expenses or to Income.

[Case No. 6142]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY for approval of Equipment Agreement, Series J, with the Guaranty Trust Company of New York, as Trustees, dated July 1, 1917; and for permission to issue bonds thereunder pursuant to section 55 of the Public Service Commissions Law.

Petition filed July 24, 1917; hearing held July 25, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to execute and deliver to the Guaranty Trust Company of New York, as trustee, a corporation organized and existing under the laws of the State of New York, a certain agreement dated the 1st day of July, 1917, to secure an issue of equipment bonds, series J, to the aggregate amount of \$1,600,000 face value, which mature serially as set forth in said agreement, bearing interest at the rate of 5 per cent per annum, payable semiannually on the first days of April and October in each year, a copy of which agreement has been filed with the papers herein, and that the form thereof so filed is hereby approved.

2. That upon the execution and the delivery of said agreement so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered together with an affidavit by the president or other executive officer of the company stating that the agreement as executed and delivered is the same as that herein approved by the Commission.

3. That the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to issue \$1,600,000 face value of its 5 per cent equipment bonds, series J, under the aforesaid agreement.

4. That said bonds of the total face value of \$1,600,000 may be sold for not less than 96 per cent of their face value and accrued interest to give net proceeds of at least \$1,536,000.

5. That said bonds of the face value of \$1,600,000 so authorized or the proceeds thereof to the amount of \$1,536,000 shall be used solely and exclusively for the following purposes:

For the purchase of the following equipment as set forth in the petition herein: From the American Locomotive Co.: 5 mallet locomotives Nos. 705 to 709 inclusive, 16 light mallet locomotives Nos. 710 to 725 inclusive, 5 switching mallet locomotives Nos. 520 to 524 inclusive, 6 heavy mallet locomotives Nos. 800 to 805 inclusive, 3 Pacific type locomotives Nos. 609 to 611 inclusive; from the Bucyrus Co.: 1 wrecking crane No. CC-37; from Mt. Vernon Car Mfg. Co.: 15 Caboose Cars Nos. 250 to 264 inclusive; estimated cost of equipment to be purchased, \$2,065,600. Cash to be provided from the treasury of the petitioner, \$329,600.

6. That if the said bonds of a total face value of \$1,600,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,600,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Buffalo, Rochester and Pittsburgh Railway Com-

pany unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Buffalo, Rochester and Pittsburgh Railway Company shall for each six months period ending December 31st and June 30th file not more than thirty days from the end of such period a verified report showing: (a) What bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) The date of such sale or disposition; (c) To whom such bonds were sold; (d) What proceeds were realized from such sale; (e) The amount expended in reasonable detail of the proceeds of the bonds herein authorized for the purposes specified herein during such period, and the account or accounts to which such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended, the report shall set forth such fact.

9. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order and that such purposes are not in whole or in part reasonably chargeable to Operating Expenses or to Income.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 of the Railroad Law, as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of The New York Central Railroad Company and the Bronx Parkway Commission as indicated by the respective signatures of

the manager of the Grand Central Terminal Improvements of the railroad company and the engineer and secretary of the Bronx Parkway Commission upon a plan marked "Map 385," showing the details of pier footings 3, 4, and 5 of the viaduct to be constructed pursuant to a determination of this Commission dated December 16, 1916, in the matter above entitled; and upon the approval of the local authorities of the cities of Mount Vernon and Yonkers as indicated by a letter on file dated July 23, 1917, from the mayor of the City of Mount Vernon, and by letter from the city engineer of Yonkers dated July 20, 1917, it is

Ordered: That said plan be and it is hereby approved.

[Case No. 5617]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of INTERNATIONAL RAILWAY COMPANY under section 55, Public Service Commissions Law, for authority to issue \$1,175,000 in 5 per cent bonds under its refunding and improvement mortgage.

Amendatory
order.

Petition filed June 26, 1916; report of division of steam railroads dated June 29, 1916; order entered July 11, 1916; supplemental petition filed July 28, 1917; report of division of capitalization dated July 31, 1917.

By order herein dated July 11, 1916, the International Railway Company was authorized to issue \$1,175,000 face value of its 5 per cent fifty-year refunding and improvement mortgage gold bonds and to use the proceeds realized from their sale at not less than 89 per cent of their face value for additional expenditures on the new extension of its railroad from Buffalo to Niagara Falls. From verified reports filed in accordance with the requirements of said order it appears that none of the bonds so authorized have been sold.

By supplemental petition herein filed on the 28th day of July, 1917, the company states that after diligent effort it has been unable to dispose of said bonds at the price at which they were authorized to be sold and prays for an amendment of the order to permit their sale for not less than 85 per cent of their face value. Now therefore, upon the foregoing record,

Ordered: That the order herein dated July 11, 1916, is hereby amended to authorize the sale of the \$1,175,000 face value of 5 per cent fifty-year refunding and improvement mortgage gold bonds at not less than 85 per cent of their face value and accrued interest to give net proceeds of at least \$998,750, and in all other respects the authority contained in said order remains unchanged.

548 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5635]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$258,000 in first refunding mortgage 5 per cent 30-year gold bonds under an existing mortgage and \$95,100 of 6 per cent cumulative preferred stock.

By order herein dated August 16, 1916, the Binghamton Light, Heat and Power Company was authorized to issue \$95,100 par value of its 6 per cent cumulative preferred capital stock and \$258,000 face value of 5 per cent 30-year first refunding and improvement mortgage gold bonds and to use the proceeds realized from the sale of such stock at par and \$158,000 and \$100,000 face value of said bonds at 88½ per cent and 88 per cent of their face value respectively, for proposed additions and betterments during the calendar year 1916. It appears from verified reports filed herein in accordance with the requirements of said order that all of the securities so authorized have been sold and the proceeds realized therefrom, together with security proceeds of \$77,300 transferred from case No. 5308, have been used for authorized purposes excepting \$22,482.02: \$4370 of the amount last mentioned representing cash received from the sale of securities herein authorized over the minimum amount permitted to be realized by the aforesaid order.

By application filed under date of April 20, 1917, in case No. 5983, the Binghamton Light, Heat and Power Company prayed for permission to issue \$174,000 par value of its 6 per cent cumulative preferred capital stock and \$407,000 face value of 5 per cent 30-year first refunding and improvement mortgage gold bonds and to sell the former at its par value and the latter for not less than 90 per cent of their face value and to use the proceeds realized therefrom for additional extensions and improvements as detailed in exhibit A of said petition. In said application the petitioner asks for permission to apply toward the purposes therein prayed for said proceeds aggregating \$22,482.02 remaining unexpended in this proceeding. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the \$22,482.02 of unexpended proceeds of securities authorized to be sold in this case shall be disposed of by the Binghamton Light, Heat and Power Company in accordance with the terms of the order of even date in case No. 5983, and verified reports of such disposition shall be made therein as required by such order.

2. That this case is hereby closed upon the records of this Commission.

[Case No. 5645]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the SOUTHERN NEW YORK POWER AND RAILWAY CORPORATION under subdivision 10, section 8, of the Railroad Law for authority to make a mortgage and under section 55, Public Service Commissions Law, for authority to issue bonds to be secured thereby.

Second
supplemental
order.

Petition filed July 25, 1916; supplemental petition filed October 14, 1916; hearing held October 16, 1916; order entered October 19, 1916; second supplemental petition filed April 6, 1917; hearing held May 25, 1917; supplemental and amendatory order entered June 12, 1917; third supplemental petition filed June 27, 1917.

And it appearing therefrom that pending the approval by the Commission of the new indenture, deed of trust or mortgage authorized to be executed by the original order entered herein on the 19th day of October, 1916, and the issuance of bonds therein authorized, the petitioner desired to reissue certain of the \$500,000 face value of bonds issued by the petitioner under its former name, Otsego and Herkimer Railroad Company, secured by a first mortgage dated April 1, 1912, given by the Otsego and Herkimer Railroad Company to secure an aggregate issue of \$2,500,000 face value of first mortgage 5 per cent 50-year bonds which said \$500,000 face value of first mortgage bonds are to be or have been reacquired by the petitioner herein by exchange for \$500,000 par value of its 7 per cent cumulative preferred capital stock, pursuant to the supplemental and amendatory order entered herein on the 12th day of June, 1917, and to use such reacquired bonds for the purposes for which bonds were authorized to be issued under the security of said new mortgage, all pursuant to the authorization contained in the said original order entered herein; provided, however, that such present use of said reacquired bonds shall in nowise increase the aggregate ultimate amount of bonds authorized by the said original order entered herein, less the \$500,000 face value of bonds retired by the issuance of \$500,000 of preferred stock. Now therefore, upon the foregoing record,

Ordered as follows: 1. That clause No. 1 of the supplemental and amendatory order entered herein on the 12th day of June, 1917, is hereby modified and amended so that only \$67,000 face value of the \$500,000 face value of 5 per cent 50-year first mortgage gold bonds of the petitioner, issued in its former name, Otsego and Herkimer Railroad Company, under a mortgage dated April 1, 1912, and therein authorized to be reacquired, shall be canceled and retired by the trustee under the mortgage.

2. That \$250,000 face value of said bonds so reacquired or to be reacquired shall be sold for not less than 80 per cent of their face value and accrued interest to give net proceeds of at least \$200,000, and such proceeds shall be used solely and exclusively for the following purposes:

For the discharge and lawful refunding of indebtedness outstanding at November 30, 1915, or renewals thereof, as follows:

(1) Bills payable due The Equitable Trust Company of New York.....	\$84,043.25	
(2) Accounts payable and other unfunded debt....	168,021.97	
		\$247,065.22
Less		47,065.22

for which proceeds of common capital stock were authorized to be used by order dated April 27, 1916, in case No. 5386..... \$200,000.00

The authorization herein contained is in lieu of bonds of like face value heretofore authorized to be issued by order dated March 28, 1916, in case No. 5386, which order was vacated by order therein entered on the 19th day of October, 1916.

3. That \$135,000 face value of the said bonds so reacquired or to be reacquired, or the proceeds realized from their sale at face value, shall be used for the discharge of bills payable, or renewals thereof, incurred in the acquisition on June 28, 1916, of \$135,000 face value of 5 per cent 50-year first mortgage bonds of the Southern New York Power Company issued under its then name, Colliers Light, Heat and Power Company.

4. That the balance of said \$500,000 face value of bonds so reacquired or to be reacquired, viz: \$48,000 face value, shall be placed in the custody of The Equitable Trust Company, trustee, under the first mortgage given by the Otsego and Herkimer Railroad Company, the former name of the petitioner herein, and may upon the request of the petitioner herein be delivered to it by the said trustee and used for the same purposes for which \$48,000 face value of bonds were authorized to be issued under the proposed new mortgage of the Southern New York Power and Railway Corporation, as provided by clauses 5 and 6 of said original order herein dated October 19, 1916, to wit: to acquire \$48,000 par value of the common capital stock of the Southern New York Power Company, formerly called Colliers Light, Heat and Power Company.

5. That if all of said bonds so reacquired or to be reacquired exclusive of the \$67,000 face value herein required to be retired and canceled, shall be issued as herein authorized, there will be outstanding bonds of the Otsego and Herkimer Railroad Company, the former name of the petitioner herein, of a total face value of \$1,133,000, and in such event the provisions of paragraph (a) of clause 8 of the original order entered herein shall apply with equal force and effect to the total amount of such bonds outstanding of an aggregate face value of \$1,133,000 which amount shall be substituted, as may be appropriate, for the \$1,200,000 face value as used in said original order herein, and if a lesser amount of said bonds of the Otsego and Herkimer Railroad Company than \$1,133,000 face value shall be so outstanding, only a proportionately smaller amount of new bonds authorized in said original order herein shall be so issued.

6. That verified reports of the reissue of bonds as herein authorized shall be filed as and when reports are required by the original order entered herein on the 19th day of October, 1916.

7. That the authority contained in this order to reissue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and before any bonds are reissued pursuant hereto and within thirty days of the service hereof, the Southern New York Power and Railway Corporation shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the bonds herein authorized and the money to be procured by the issue thereof are reasonably required for the purposes specified in this order and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5867]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the CIVIC CLUB OF THE CITY OF WHITE PLAINS against THE WESTCHESTER STREET RAILROAD COMPANY as to service rendered the public, condition of cars, and shelter station.

The complaint in the above entitled matter alleges defective service furnished by The Westchester Street Railroad Company in the city of White Plains and vicinity in that the company does not run its cars in accordance with schedules; that the schedules are inadequate; that an insufficient number of cars are run; that cars are improperly equipped; and that the company does not furnish a proper waiting room or shelter.

Several hearings were held in this matter at which in addition to the complainants, the municipal government, the Business Men's Association, the City Planning Commission and other interested parties were represented. The testimony taken at these hearings was generally in support of the allegations of improper service in the particulars mentioned.

An investigation of traffic conditions in the territory served by this company was made by the Electric Railway Department of this Commission, and the conditions were examined into personally by the Commission. The testimony given, confirmed by the examinations made, shows pretty conclusively that The Westchester Street Railroad Company has not for sometime past been furnishing a proper service to the people of White Plains. This has not been entirely the company's fault, however. The number of cars in operation has necessarily been limited by the trackage facilities. For the greater portion of its route this has always been a single track road. More than once the Commission has attempted to remedy the conditions growing out of this circumstance, by requesting the installation of additional switches so that the headways might be reduced and better service furnished. To these suggestions the company has for the most part agreed, but it has been unable until recently to secure the municipal and town consents necessary for the purpose. In any event, however, turnouts such as have been spoken of in the past as desirable would not furnish the full measure of relief that is now needed. This can probably not be obtained, under present conditions, by any means short of double tracking the main line through the city of White Plains. Until now, nearly all street railway transportation in Westchester county has been furnished by single track railroads, but the population of the county has increased to such an extent that, in the larger communities at least, single track lines are no longer capable of supplying such service as these growing centers require. This is especially applicable to the City of White Plains. It now seems essential that the road through Main street in that city should be double tracked, and that this should be done as soon as possible, since no proper service can be furnished until the work has been completed.

At a recent conference which was attended by representatives of the White Plains city government, the Business Men's Association, the Civic Club, and the City Planning Commission, and also by a representative of this Commission, it was agreed that, while the double tracking of Main street was undoubtedly necessary for proper street railroad service in White Plains, the present driveway on Main street was at some points altogether too narrow to permit of the construction and operation of a double track railroad under

540 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6109]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE DELAWARE AND HUDSON COMPANY for approval of its agreement with The Pennsylvania Railroad Company, the Northern Coal and Iron Company, and the Wilkes-Barre Connecting Railroad Company, for the construction, operation, and maintenance of the railroad of the Wilkes-Barre Connecting Railroad Company.

Petition filed May 24, 1917; hearing held July 18, 1917. Now therefore, upon the foregoing record,

Ordered: That the approval of this Commission is hereby given to the execution by The Delaware and Hudson Company of a certain agreement dated December 29, 1914, and supplement thereto dated May 1, 1917, between The Pennsylvania Railroad Company, Northern Coal and Iron Company, The Delaware and Hudson Company, and Wilkes-Barre Connecting Railroad Company, concerning the construction, operation, and maintenance of the railroad of the last named company, including the performance of each and every obligation under such agreement and the endorsement upon the bonds to be issued by the Wilkes-Barre Connecting Railroad Company of the guarantee by The Delaware and Hudson Company of the principal and interest thereof.

[Case No. 6126]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE DELAWARE AND HUDSON COMPANY under section 55, Public Service Commissions Law, for authority to issue \$9,000,000 in three-year 5 per cent gold notes, and as to part of the collateral to secure them; also as to trust agreement.

Petition filed July 14, 1917; hearing held July 24, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The Delaware and Hudson Company is hereby authorized to execute and deliver to the United States Mortgage and Trust Company, as trustee, a corporation organized and existing under the laws of the State of New York, a certain trust agreement, to be dated August 1, 1917, to secure an issue of three-year secured gold notes to the aggregate amount of \$9,000,000 face value, to be dated August 1, 1917, and to bear

interest at the rate of 5 per cent per annum, payable semiannually on the first days of February and August in each year, a copy of the form of which agreement has been filed with this Commission herein, and such form so filed is hereby approved; provided that said company shall have no right or authority to issue any notes pursuant to the terms of said agreement except as herein or hereafter authorized by this Commission.

2. That upon the execution and delivery of said agreement so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the agreement as executed and delivered is the same as that herein approved by this Commission.

3. That The Delaware and Hudson Company is hereby authorized to issue \$9,000,000 face value of its three-year 5 per cent gold notes under the afore-said agreement, in the denomination and form, in the manner, and under all the terms and conditions as specified therein.

4. That said notes of the total face value of \$9,000,000 may be sold for not less than 97 per cent of their face value and accrued interest to give net proceeds of at least \$8,730,000.

5. That said notes of the face value of \$9,000,000 so authorized or the proceeds thereof to the amount of \$8,730,000 shall be used solely and exclusively for the following purposes:

(a) To be applied toward the same purpose for which \$5,000,000 face value of 4 per cent first and refunding mortgage bonds of The Delaware and Hudson Company, or their proceeds, were authorized to be used by orders dated July 7, 1908, and March 20, 1917, in case No. 348, to wit: To retire outstanding first mortgage 7 per cent bonds secured by a mortgage dated August 18, 1877, given to the Union Trust Company of New York, as Trustee, which mature on September 1, 1917.....		\$5,000,000.00
(b) To be applied toward the same purposes for which \$4,000,000 face value of 4 per cent first and refunding mortgage bonds of The Delaware and Hudson Company, or their proceeds, were authorized to be used by order dated May 15, 1917, in Case No. 5924, to wit:		
1. For the payment of loans and bills payable owing at December 31, 1916, as shown in schedule 3-F attached to the petition, or their renewals	\$1,927,603.98	
2. For expenditures after December 31, 1916, to complete addition and betterment projects under way at December 31, 1916, shown in column 2 of schedule 2 attached to the petition herein	986,405.74	
3. For expenditures to complete proposed additions and betterments to be begun after December 31, 1916, shown in column 3 of schedule 2 attached to the petition herein...	251,245.98	
4. To provide for expenditures to be made to complete the purposes in respect to which the bonds authorized in Case No. 3500 by order of even date herewith are insufficient..	858,806.69	
		<u>4,019,062.34</u>
		\$9,019,062.34

The authorization herein contained is in lieu of that embodied in orders dated July 7, 1908, and March 20, 1917, in case No. 348, and order dated May 15, 1917, in case No. 5924 for the issue of 4 per cent first and refunding mortgage bonds aggregating \$9,000,000 face value.

Amount unprovided for \$289,062.34

in so far as the same may be applicable, provided (1) That such notes or the proceeds thereof shall be applied on such new construction summarized in sections 2 to 4 inclusive of subdivision (b) hereof only in so far as the same is a real increase in the Road and Equipment of the petitioner and not a replacement of any part of such Road and Equipment or substitution for wasted capital or other loss properly chargeable to income in accordance with the definitions contained in the Classification of Investment in Road and Equipment of Steam Roads adopted by this Commission. (2) That there shall be no charges to Road and Equipment on account of engineering services in connection with such construction unless such engineering services shall

have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers and employees under an express assignment to such construction work. (3) That if there shall be required for the aforesaid purposes, subject to the limitations herein contained, a sum less than an amount equal to the face value of the notes herein authorized, no portion of the proceeds of the notes herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission.

6. That if the said notes of a total face value of \$9,000,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$9,019,062.34, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of this Commission.

7. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by The Delaware and Hudson Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That The Delaware and Hudson Company is hereby authorized to pledge as collateral security for the notes herein authorized the following: \$7,300,000 face value of its first and refunding mortgage bonds bearing interest at the rate of 4 per cent per annum (these being a part of the \$9,000,000 face value of bonds authorized as hereinbefore recited); \$3,500,000 face value of The Albany and Susquehanna Railroad Company first mortgage 3½ per cent 40-year bonds; \$500,000 par value of Rensselaer and Saratoga Railroad Company capital stock \$100 per share; \$400,000 par value of The Albany and Susquehanna Railroad Company capital stock per share \$100: \$11,700,000.

9. That the consent of this Commission is hereby given that the United States Mortgage and Trust Company, Trustee under the said agreement herein approved, may acquire the said capital stock of the Rensselaer and Saratoga Railroad Company and The Albany and Susquehanna Railroad Company of the aggregate par value of \$500,000 and \$400,000 respectively by way of pledge only as provided in this order and only in accordance with the terms of and for the purposes specified in the aforesaid agreement.

10. That the company shall for each six months period ending December 31st and June 30th file not more than thirty days from the end of such period a verified report showing:

(a) What notes have been sold or otherwise disposed of or bonds and stock pledged therefor during such period in accordance with the authority contained herein; (b) The date of such sale or pledging; (c) To whom such notes were sold and with whom such bonds and stock were pledged; (d) What proceeds were realized from such sale; (e) The principal of each loan for which such bonds and stock are pledged; (f) The total face and par value of bonds and stock which remain pledged as collateral security for said notes on the closing date of such period; (g) With respect to subdivision (a) of clause 5 of this order there shall be shown the amount used thereof of the proceeds of the notes herein authorized; (h) With respect to subdivision (b) of clause 5 of this order there shall be shown in detail the amount expended therefor during such period of the proceeds of the notes herein authorized, and as to sections 2 to 4 inclusive of such subdivision, the account or accounts under the Classification of Investment in Road and Equipment of Steam Roads to which the expenditures for such purposes have been charged, giving all details of any credits to Road and Equipment in connection with such expenditures, together with: (1) A summary of the expenditures for each of such purposes during the period covered by the report. (2) A summary by the prescribed accounts showing the expenditures during such period.

In reporting under subdivision (h) of this clause, sections 1 and 2, there shall be further shown the expenditures of the proceeds of the notes herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period.

Such reports shall continue to be filed until all of said notes shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no notes were sold or disposed of or proceeds expended, or bonds and stock pledged therefor, the report shall set forth such fact.

11. That the authority contained in this order to issue notes and to pledge bonds and stock therefor is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any notes are issued, or bonds and stock pledged, pursuant hereto and within thirty days of the service hereof, the said company shall file with the Commission a satisfactory verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said notes herein authorized is reasonably required for the purposes specified in this order and that such purposes are not in whole or in part reasonably chargeable to Operating Expenses or to Income.

[Case No. 6135]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second
District, held in the city of Albany on the 26th day
of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ORANGE AND ROCKLAND ELECTRIC COMPANY under section 69, Public Service Commissions Law, for authority to issue preferred stock, or preferred stock and mortgage bonds.

Petition filed July 18, 1917; report of division of light, heat, and power dated July 24, 1917; report of division of capitalization dated July 24, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Orange and Rockland Electric Company is hereby authorized to issue \$163,500 par value of its 7 per cent cumulative preferred capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

2. That said stock of the par value of \$163,500 so authorized or the proceeds thereof to the amount of \$163,500 shall be used solely and exclusively for proposed extensions and improvements to its plant and property as detailed in schedule B attached to the petition herein \$163,512.50. Amount unprovided for \$12.50 in so far as the same may be applicable provided:

(a) That such stock or the proceeds thereof shall be applied on such new construction mentioned above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to Income in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission.

(b) That there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment

to such construction or improvement work. (c) That if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than an amount equal to the par value of the stock herein authorized, no portion of the proceeds of the stock herein authorized over the actual proceeds thereof so required shall be used for any purpose without the further order of this Commission. (d) That the unit prices contained in schedule B of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the work to be done and thus properly chargeable to fixed capital but are intended and shall be construed only to be a present estimate of the probable cost of such work, the actual cost of which must be actual expenditures made as defined in the Commission's Uniform System of Accounts for Electrical Corporations.

3. That the Orange and Rockland Electric Company shall for each six months period ending December 31st and June 30th file not more than thirty days from the end of such period a verified report showing: (a) What stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) The date of such sale or disposition; (c) To whom such stock was sold; (d) What proceeds were realized from such sale; (e) Any other terms and conditions of such sale; (f) In detail the amount expended during such period of the proceeds of the stock herein authorized for the purpose specified herein, and the account or accounts under the Uniform System of Accounts to which the expenditures for such purpose have been charged, giving all details of any credits to fixed capital in connection with such expenditures. (g) A summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivision (g) of this clause there shall be further shown the expenditures of the proceeds of the stock herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended, the report shall set forth such fact.

4. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order and that such purpose is not in whole or in part reasonably chargeable to Operating Expenses or to Income.

[Case No. 6142]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the BUFFALO, ROCHESTER AND PITTSBURGH RAILWAY COMPANY for approval of Equipment Agreement, Series J, with the Guaranty Trust Company of New York, as Trustee, dated July 1, 1917; and for permission to issue bonds thereunder pursuant to section 55 of the Public Service Commissions Law.

Petition filed July 24, 1917; hearing held July 25, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to execute and deliver to the Guaranty Trust Company of New York, as trustee, a corporation organized and existing under the laws of the State of New York, a certain agreement dated the 1st day of July, 1917, to secure an issue of equipment bonds, series J, to the aggregate amount of \$1,600,000 face value, which mature serially as set forth in said agreement, bearing interest at the rate of 5 per cent per annum, payable semiannually on the first days of April and October in each year, a copy of which agreement has been filed with the papers herein, and that the form thereof so filed is hereby approved.

2. That upon the execution and the delivery of said agreement so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered together with an affidavit by the president or other executive officer of the company stating that the agreement as executed and delivered is the same as that herein approved by the Commission.

3. That the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to issue \$1,600,000 face value of its 5 per cent equipment bonds, series J, under the aforesaid agreement.

4. That said bonds of the total face value of \$1,600,000 may be sold for not less than 96 per cent of their face value and accrued interest to give net proceeds of at least \$1,536,000.

5. That said bonds of the face value of \$1,600,000 so authorized or the proceeds thereof to the amount of \$1,536,000 shall be used solely and exclusively for the following purposes:

For the purchase of the following equipment as set forth in the petition herein: From the American Locomotive Co.: 5 mallet locomotives Nos. 705 to 709 inclusive, 16 light mallet locomotives Nos. 710 to 725 inclusive, 5 switching mallet locomotives Nos. 520 to 524 inclusive, 6 heavy mallet locomotives Nos. 800 to 805 inclusive, 3 Pacific type locomotives Nos. 609 to 611 inclusive; from the Bucyrus Co.: 1 wrecking crane No. CC-37; from Mt. Vernon Car Mfg. Co.: 15 Caboose Cars Nos. 250 to 264 inclusive; estimated cost of equipment to be purchased, \$2,065,600. Cash to be provided from the treasury of the petitioner, \$529,600.

6. That if the said bonds of a total face value of \$1,600,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,600,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

7. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Buffalo, Rochester and Pittsburgh Railway Com-

pany unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

8. That the Buffalo, Rochester and Pittsburgh Railway Company shall for each six months period ending December 31st and June 30th file not more than thirty days from the end of such period a verified report showing: (a) What bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) The date of such sale or disposition; (c) To whom such bonds were sold; (d) What proceeds were realized from such sale; (e) The amount expended in reasonable detail of the proceeds of the bonds herein authorized for the purposes specified herein during such period, and the account or accounts to which such expenditures have been charged. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended, the report shall set forth such fact.

9. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order and that such purposes are not in whole or in part reasonably chargeable to Operating Expenses or to Income.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 of the Railroad Law, as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of The New York Central Railroad Company and the Bronx Parkway Commission as indicated by the respective signatures of

the manager of the Grand Central Terminal Improvements of the railroad company and the engineer and secretary of the Bronx Parkway Commission upon a plan marked "Map 365," showing the details of pier footings 3, 4, and 5 of the viaduct to be constructed pursuant to a determination of this Commission dated December 16, 1916, in the matter above entitled; and upon the approval of the local authorities of the cities of Mount Vernon and Yonkers as indicated by a letter on file dated July 23, 1917, from the mayor of the City of Mount Vernon, and by letter from the city engineer of Yonkers dated July 20, 1917, it is

Ordered: That said plan be and it is hereby approved.

[Case No. 5617]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of INTERNATIONAL RAILWAY COMPANY under section 55, Public Service Commissions Law, for authority to issue \$1,175,000 in 5 per cent bonds under its refunding and improvement mortgage.

Amendatory
order.

Petition filed June 26, 1916; report of division of steam railroads dated June 29, 1916; order entered July 11, 1916; supplemental petition filed July 28, 1917; report of division of capitalization dated July 31, 1917.

By order herein dated July 11, 1916, the International Railway Company was authorized to issue \$1,175,000 face value of its 5 per cent fifty-year refunding and improvement mortgage gold bonds and to use the proceeds realized from their sale at not less than 89 per cent of their face value for additional expenditures on the new extension of its railroad from Buffalo to Niagara Falls. From verified reports filed in accordance with the requirements of said order it appears that none of the bonds so authorized have been sold.

By supplemental petition herein filed on the 28th day of July, 1917, the company states that after diligent effort it has been unable to dispose of said bonds at the price at which they were authorized to be sold and prays for an amendment of the order to permit their sale for not less than 85 per cent of their face value. Now therefore, upon the foregoing record,

Ordered: That the order herein dated July 11, 1916, is hereby amended to authorize the sale of the \$1,175,000 face value of 5 per cent fifty-year refunding and improvement mortgage gold bonds at not less than 85 per cent of their face value and accrued interest to give net proceeds of at least \$998,750, and in all other respects the authority contained in said order remains unchanged.

548 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5635]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$258,000 in first refunding mortgage 5 per cent 30-year gold bonds under an existing mortgage and \$95,100 of 6 per cent cumulative preferred stock.

By order herein dated August 16, 1916, the Binghamton Light, Heat and Power Company was authorized to issue \$95,100 par value of its 6 per cent cumulative preferred capital stock and \$258,000 face value of 5 per cent 30-year first refunding and improvement mortgage gold bonds and to use the proceeds realized from the sale of such stock at par and \$158,000 and \$100,000 face value of said bonds at 88½ per cent and 88 per cent of their face value respectively, for proposed additions and betterments during the calendar year 1916. It appears from verified reports filed herein in accordance with the requirements of said order that all of the securities so authorized have been sold and the proceeds realized therefrom, together with security proceeds of \$77,300 transferred from case No. 5308, have been used for authorized purposes excepting \$22,482.02: \$4370 of the amount last mentioned representing cash received from the sale of securities herein authorized over the minimum amount permitted to be realized by the aforesaid order.

By application filed under date of April 20, 1917, in case No. 5983, the Binghamton Light, Heat and Power Company prayed for permission to issue \$174,000 par value of its 6 per cent cumulative preferred capital stock and \$407,000 face value of 5 per cent 30-year first refunding and improvement mortgage gold bonds and to sell the former at its par value and the latter for not less than 90 per cent of their face value and to use the proceeds realized therefrom for additional extensions and improvements as detailed in exhibit A of said petition. In said application the petitioner asks for permission to apply toward the purposes therein prayed for said proceeds aggregating \$22,482.02 remaining unexpended in this proceeding. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the \$22,482.02 of unexpended proceeds of securities authorized to be sold in this case shall be disposed of by the Binghamton Light, Heat and Power Company in accordance with the terms of the order of even date in case No. 5983, and verified reports of such disposition shall be made therein as required by such order.

2. That this case is hereby closed upon the records of this Commission.

[Case No. 5645]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of July, 1917.

Present:SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the SOUTHERN NEW YORK POWER AND RAILWAY CORPORATION under subdivision 10, section 8, of the Railroad Law for authority to make a mortgage and under section 55, Public Service Commissions Law, for authority to issue bonds to be secured thereby.

Second
supplemental
order.

Petition filed July 25, 1916; supplemental petition filed October 14, 1916; hearing held October 16, 1916; order entered October 19, 1916; second supplemental petition filed April 6, 1917; hearing held May 25, 1917; supplemental and amendatory order entered June 12, 1917; third supplemental petition filed June 27, 1917.

And it appearing therefrom that pending the approval by the Commission of the new indenture, deed of trust or mortgage authorized to be executed by the original order entered herein on the 19th day of October, 1916, and the issuance of bonds therein authorized, the petitioner desired to reissue certain of the \$500,000 face value of bonds issued by the petitioner under its former name, Otsego and Herkimer Railroad Company, secured by a first mortgage dated April 1, 1912, given by the Otsego and Herkimer Railroad Company to secure an aggregate issue of \$2,500,000 face value of first mortgage 5 per cent 50-year bonds which said \$500,000 face value of first mortgage bonds are to be or have been reacquired by the petitioner herein by exchange for \$500,000 par value of its 7 per cent cumulative preferred capital stock, pursuant to the supplemental and amendatory order entered herein on the 12th day of June, 1917, and to use such reacquired bonds for the purposes for which bonds were authorized to be issued under the security of said new mortgage, all pursuant to the authorization contained in the said original order entered herein; provided, however, that such present use of said reacquired bonds shall in nowise increase the aggregate ultimate amount of bonds authorized by the said original order entered herein, less the \$500,000 face value of bonds retired by the issuance of \$500,000 of preferred stock. Now therefore, upon the foregoing record,

Ordered as follows: 1. That clause No. 1 of the supplemental and amendatory order entered herein on the 12th day of June, 1917, is hereby modified and amended so that only \$67,000 face value of the \$500,000 face value of 5 per cent 50-year first mortgage gold bonds of the petitioner, issued in its former name, Otsego and Herkimer Railroad Company, under a mortgage dated April 1, 1912, and therein authorized to be reacquired, shall be canceled and retired by the trustee under the mortgage.

2. That \$250,000 face value of said bonds so reacquired or to be reacquired shall be sold for not less than 80 per cent of their face value and accrued interest to give net proceeds of at least \$200,000, and such proceeds shall be used solely and exclusively for the following purposes:

For the discharge and lawful refunding of indebtedness outstanding at November 30, 1915, or renewals thereof, as follows:

(1) Bills payable due The Equitable Trust Company of New York.....	\$84,043.25	
(2) Accounts payable and other unfunded debt....	163,021.97	
		\$247,065.22
Less		47,065.22

for which proceeds of common capital stock were authorized to be used by order dated April 27, 1916, in case No. 5386..... \$200,000.00

No. 6672; July 18, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated July 17, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a commodity freight tariff establishing a rate of 53 cents per ton of 2240 pounds on Fluxing Stone, carloads, minimum weight 30 tons of 2240 pounds, from East Buffalo, N. Y. (when coming from the Pennsylvania railroad), to Charlotte, N. Y. Such rate is exclusive of dockage, handling, or switching charges of any line. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. 3307, effective July 21, 1917.

No. 6673, July 19, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated July 18, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, effective on or before August 15, 1917, and on not less than one day's notice to the public and the Commission, supplements to its freight tariffs G. O. P. S. C., 2 N. Y., Nos. 732, 733, 735, 743, 747, 753, 754, 755, 756, 876, 879, 881, 889, 890 and 894, for the purpose of canceling tariff G. O. P. S. C., 2 N. Y., No. 894, and supplements to the other tariffs hereinbefore stated; the effective date of which was postponed to September 30, 1917, under authority of this Commission's special permission No. 6486, of date March 29, 1917, and also canceling the supplements to such tariffs which effected such postponement. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55; and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission in its I. & S. Docket No. 965 having ordered the cancellation of such schedules as to their interstate application.

Completed by supplements, properly numbered, to various tariffs named.

No. 6674; July 19, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated July 18, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a commodity freight tariff establishing a rate of 90 cents per ton of 2240 pounds on Mill Cinder and Scale (iron or steel), carloads, minimum weight as per current Official Classification, from Poughkeepsie, N. Y., to Troy, N. Y. This authority does not waive any of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3312, effective July 23, 1917.

No. 6675; July 20, 1917; Central New York Southern Railroad Corporation:

Ordered: That under its application therefor dated July 18, 1917, the Central New York Southern Railroad Corporation be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a commodity freight tariff establishing a rate of 25 cents per 2000 pounds on crushed stone, in carloads, minimum weight 40,000 pounds, from Ithaca, N. Y., to Esty, N. Y., such rate to expire with the close of business September 30, 1917, unless otherwise canceled, changed, or extended. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. F42, effective July 24, 1917.

No. 6676; July 20, 1917; New York and Pennsylvania Railway Company:

Ordered: That under its application therefor dated July 16, 1917, the New York and Pennsylvania Railway Company be and is hereby authorized to file, within ten days from the date of this order and on not less than one day's notice to the public and the Commission, a supplement to its tariff P. S. C., 2 N. Y., No. 172, for the purpose of canceling said tariff. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 2 to P. S. C. No. 172, effective July 30, 1917.

No. 6677; July 17, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor dated July 16, 1917, as amended by telegram dated July 20th, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, effective under date of issue, a supplement to its freight tariff P. S. C., 2 N. Y., No. 2819, for the purpose of correcting the authority from this Commission covering issuance on short notice of supplement No. 1 to said tariff to read: "Issued under authority of the Public Service Commission, Second District, State of New York. Supplement No. 6651, of date June 30, 1917." This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under paragraph (e), Rule 9, Circular No. 55.

Completed by supplement No. 2 to P. S. C. No. 2819, filed July 21, 1917.

No. 6678; July 20, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor dated July 20, 1917, The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, effective not earlier than August 1, 1917, and on not less than one day's notice to the public and the Commission, supplement to its freight tariff P. S. C., 2 N. Y., No. 2828, for the purpose of correcting cancellation notice shown on title page to read: "Canceling P. S. C., 2 N. Y., No. 2225" instead of No. 6658. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provision of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 2828, effective August 1, 1917.

No. 6679; July 21, 1917; Lehigh Valley Railroad Company:

Ordered: That under its application therefor dated July 19, 1917, the Lehigh Valley Railroad Company be and is hereby authorized to file supplements to its freight tariffs P. S. C., 2 N. Y., Nos. D-2855 and D-3187, for the purpose of canceling on or before August 15, 1917, and on not less than one day's notice to the public and the Commission, supplements Nos. 4 and 7 to freight tariff P. S. C., 2 N. Y., No. D-2855, and supplements Nos. 1 and 3 to freight tariff P. S. C., 2 N. Y., No. D-3187. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55; it is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by order in its I. & S. Docket No. 935 of date June 29, 1917, authorized similar action as to interstate rates contained in referred to schedules.

Completed by supplement No. 11 to P. S. C. No. D-2855, and supplement No. 7 to P. S. C. No. D-3187; filed July 23, 1917.

No. 6680; July 21, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West):

Ordered: That under its application therefor dated July 20, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, supplement to its tariff P. S. C., 2 N. Y., L. S. No. 145, amending item No. 100-C as shown on page 19 of supplement No. 23 to said tariff, so as to provide the class rates as shown in said application which is hereby made a part of this order to apply from stations Dunkirk, N. Y. (index No. 150), to Athol Springs, N. Y. (index No. 158), inclusive, also Fredonia, N. Y. (index No. 401), to Rochester, N. Y., and Mount Morris, N. Y., and points taking same rates. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and is given in order to correct typographical error in supplement No. 23 publishing item No. 100-C.

Completed by supplement No. 26 to N. Y. C. (west), P. S. C. L. S. No. 145, effective July 31, 1917.

No. 6681; July 23, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor dated July 21, 1917, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a supplement to its baggage tariff P. S. C., 2 N. Y., No. 1557, for the purpose of amending Rule 23 applying to the transportation of newspapers, and provide that newspapers will be carried between local points on the Lake George Steamboat Company at a rate of 25 cents per 100 pounds, minimum charge for one day's shipment 10 cents. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 1557, effective July 26, 1917.

No. 6682; July 23, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated July 21, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file on or before August 15, 1917, and on not less than one day's notice to the public and the Commission, supplements to its freight tariffs P. S. C., 2 N. Y., Nos. 1021, 1022, 1023, and 1064, for the purpose of canceling supplements to said tariffs which are now under postponement until September 30, 1917, and the supplements to said tariffs which effected such postponement. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55; it is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission by its order of date June 29, 1917, in I. & S. Docket No. 935, having ordered similar action as to the interstate rates contained in the referred to tariffs.

Completed by supplement No. 7 to P. S. C. No. 1021; supplement No. 6 to P. S. C. No. 1022; supplement No. 6 to P. S. C. No. 1023; supplement No. 14 to P. S. C. No. 1064; effective August 15, 1917.

No. 6683; July 23, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor dated July 23, 1917, The Delaware and Hudson Company be and it is hereby authorized to file, effective not earlier than August 1, 1917, and on not less than one day's notice to the public and the Commission, two class rate freight tariffs as its P. S. C., 2 N. Y., Nos. 3377 and 3378, said tariffs to cancel tariffs P. S. C., 2 N. Y., Nos. 3357 and 3359, and to reissue the matter contained, making no change in

rates. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Delaware and Hudson P. S. C. Nos. 3377 and 3378, effective August 1, 1917.

No. 6684; July 21, 1917; The Long Island Railroad Company:

Ordered: That under its application therefor dated July 20, 1917, The Long Island Railroad Company be and is hereby authorized to file, effective not earlier than July 30, 1917, and on not less than five days' notice to the public and the Commission, a supplement to its commodity freight tariff P. S. C., 2 N. Y., No. 423, establishing on vegetables, green, viz: beets, cabbage, carrots, onions, potatoes, turnips, in straight or mixed carloads, minimum weight 30,000 pounds, the commodity rates to apply from and to the points as stated in said application which is hereby made a part of this order; said supplement to be issued as supplement No. 12 and is to cancel supplements Nos. 10, 11, and 13, bringing forward the matter shown in supplement No. 10 as reissued items. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 12 to P. S. C. No. 423, effective July 30, 1917.

No. 6685; July 24, 1917; The New York, Chicago and St. Louis Railroad Company:

Ordered: That under its application therefor dated July 23, 1917, The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to file under date of issue, July 29, 1917, a supplement to its freight tariff P. S. C., 2 N. Y., No. 583, for the purpose of further postponing the effective date of said tariff until January 29, 1918. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. It is given in order that uniform charges and regulations may obtain as to interstate and intrastate traffic, the Interstate Commerce Commission by order in its I. & S. Docket No. 1051 dated June 19, 1917, having further suspended the operation of said tariff as to interstate traffic until January 29, 1918.

Completed by supplement No. 5 to P. S. C. No. 583, issued July 28, 1917.

No. 6686; July 25, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated July 25, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east), be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a commodity tariff on Fluxing Stone, carloads, minimum weight 30 tons of 2240 pounds, applying from East Buffalo, New York (when coming from Pennsylvania railroad) to North Tonawanda, New York, at rate of 24 cents per ton of 2240 pounds, such rate to be exclusive of dockage, handling, or switching charges of any line. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3320, effective July 27, 1917.

No. 6687; July 25, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated July 23, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a supplement to its freight tariff S. S., P. S. C., 2 N. Y., No. 891, establishing a per car switching rate of \$5.00 to apply from Carroll's Dock to interchange connection at Buffalo, New York, with the New York Central railroad (lines Buffalo, New

York, Clearfield, Penna., and east). This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 6 to S. S. P. S. C. No. 891, effective August 2, 1917.

No. 6688; July 27, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated July 27, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east), for itself and its leased line, the West Shore Railroad, be and is hereby authorized to file as of date issued, July 28, 1917, supplements to freight tariffs P. S. C., 2 N. Y., N. Y. C. No. 2648, and P. S. C., 2 N. Y., W. S. No. 707, further postponing as to New York State traffic until November 29, 1917, the effective dates of items Nos. 250 and 251 as shown on page 5 of supplement No. 6 of said tariff P. S. C., 2 N. Y., N. Y. C. No. 2648, and items Nos. 246 and 247 as shown on pages 5 and 6 of supplement No. 6 to said tariff P. S. C., 2 N. Y., W. S. No. 707, which items are now under postponement until July 29, 1917. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55. It is given so that uniform charges and regulations may obtain as to intrastate traffic, the Interstate Commerce Commission having suspended the effective date of said items as to interstate traffic by order dated July 26, 1917, in I. & S. Docket No. 928.

Completed by supplement No. 22 to New York Central P. S. C. N. Y. C. No. 2648, and supplement No. 22 to West Shore P. S. W. S. No. 707, issued July 28, 1917.

No. 6689; July 27, 1917; Erie Railroad Company (Line Buffalo, N. Y., Salamanca, N. Y., and East):

Ordered: That under its application therefor dated July 26, 1917, the Erie Railroad Company (line Buffalo, N. Y., Salamanca, N. Y., and east) be and is hereby authorized to cancel on or before August 15, 1917, the following schedules now under postponement until September 30, 1917, except as otherwise noted, viz: supplement No. 2 to P. S. C., 2 N. Y., No. 2974; supplement No. 6 to P. S. C., 2 N. Y., No. 2976; supplement No. 7 to P. S. C., 2 N. Y., No. 2980; supplement No. 13 to P. S. C., 2 N. Y., No. 2991; tariff P. S. C., 2 N. Y., No. 3753, under postponement until October 13, 1917. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. It is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having ordered that the interstate rates in the above mentioned schedules be canceled on or before August 15, 1917.

Completed by supplement No. 8 to P. S. C. No. 2974, effective August 3, 1917; completed by supplement No. 13 to P. S. C. No. 2976, effective August 4, 1917; completed by supplement No. 13 to P. S. C. No. 2980, effective August 4, 1917; completed by supplement No. 19 to P. S. C. No. 2991, effective August 4, 1917; completed by supplement No. 4 to P. S. C. No. 3753, effective August 15, 1917.

No. 6690; July 27, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated July 26, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a tariff schedule establishing therein a rate of \$1.21 per ton of 2000 pounds to apply on Cinders, carloads, minimum weight 50,000 pounds, from

Rensselaer, N. Y., via Albany, N. Y., and in connection with The Delaware and Hudson Company to Cambridge, N. Y. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3326, effective August 1, 1917.

No. 6691; July 27, 1917; Southern New York Power and Railway Corporation:

Ordered: That under its application therefor dated July 26, 1917, the Southern New York Power and Railway Corporation be and is hereby authorized to file, within ten days from the date hereof on not less than one day's notice to the public and the Commission, a passenger tariff schedule, properly P. S. C., 2 N. Y., numbered, for the purpose of providing charge for the movement, July 30 to August 10, 1917, inclusive, between points upon its line, account of Otsego Farm Bureau and Home Economics Department, Cooperstown, N. Y., of a special car for the promotion of the conservation of food, including the transportation of professors and demonstrators of the above named bureau, their attendants and paraphernalia, as set forth in application which is hereby made a part of this permission. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Southern New York Power and Railway Corporation, P. S. C. No. 31, effective July 30, expires August 10, 1917.

No. 6692; July 28, 1917; The Long Island Railroad Company:

Ordered: That under its application therefor dated July 27, 1917, The Long Island Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, supplements to its freight tariffs P. S. C., 2 N. Y., Nos. 338, 423, and 439, for the purpose of changing the name of Camp Long Island, N. Y., to Camp Upton, N. Y. This authority does not waive any of the requirements of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Long Island supplement No. 1 to P. S. C. No. 439, effective August 7, 1917; supplement No. 16 to P. S. C. No. 338; and supplement No. 14 to P. S. C. No. 423; effective August 9, 1917.

No. 6693; July 28, 1917; The Long Island Railroad Company:

Ordered: That under its application therefor dated July 27, 1917, The Long Island Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, supplements to its passenger tariffs P. S. C., 2 N. Y., Nos. 431 and 440, for the purpose of changing the name Camp Long Island, N. Y., to Camp Upton, Long Island, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Long Island supplement No. 3 to P. S. C. No. 431, and supplement No. 2 to P. S. C. 440; effective August 4, 1917.

No. 6694; July 31, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated July 31, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, effective August 1, 1917, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. 449, said supplement to cancel supplement No. 8 to said tariff filed to take effect August 1, 1917, reissuing the matter contained, making no change other than to correct error as stated in said application, which application is hereby made a part of this

order. This authority does not waive any of the regulations of the Commission's published rules relating to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 9 to P. S. C. N. Y. C. No. 449, effective August 1, 1917.

No. El.-30; July 20, 1917, Rome Gas, Electric Light and Power Company:

Ordered: That under its application therefor dated July 7, 1917, the Rome Gas, Electric Light and Power Company be and it is hereby authorized to file, effective July 25, 1917, and upon not less than one day's notice to the Commission, revisions to its general schedule for electricity, P. S. C., 2 N. Y., No. 1, establishing the revised index to service classification and service classification No. 8, as set forth in said application which is made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relating to the filing and publication of rate schedules of electrical corporations, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any rates that may be filed or established under this authority, all such rates being subject to protest, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

Completed by various schedules effective July 25, 1917.

No. El.-31; July 30, 1917; LeRoy Hydraulic Electric Gas Company:

Ordered: That under its application therefor dated July 19, 1917, the LeRoy Hydraulic Electric Gas Company be and it is hereby authorized to file, effective August 1, 1917, on not less than five days' notice to the Commission, revisions to its general schedule for electricity, P. S. C., 2 N. Y., No. 2, as set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relating to the filing or publication of rate schedules for electrical corporations, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any rates or rules that may be filed or established under this authority, all such rates and rules being subject to protest, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

Completed by properly issued and numbered schedules effective August 1, 1917.

[Case No. 2208]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARNITE,
Commissioners.

In the matter of the Joint Petition of the AMITYVILLE ELECTRIC LIGHT COMPANY, THE SAYVILLE ELECTRIC COMPANY, THE NORTHPORT ELECTRIC LIGHT COMPANY, ISLIP ELECTRIC LIGHT COMPANY, and LONG ISLAND LIGHTING COMPANY under section 70 of the Public Service Commissions Law, and of the LONG ISLAND LIGHTING COMPANY under section 69 of the Public Service Commissions Law; and as to construction by the Long Island Lighting Company.

Second
amendatory
order.

By previous orders herein, the Long Island Lighting Company was authorized to issue \$265,000 par value of its common capital stock and \$295,000 face value of its 5 per cent twenty-five year first mortgage bonds, and to use the proceeds realized from the sale of the former at its par value and the latter for not less than 85 per cent of their face value, for the acquisition of the outstanding stocks and bonds of certain other electrical corporations, for extensions and improvements to its plant and system, for working capital, etc., as detailed in said orders. It appears from verified reports filed herein in accordance with the requirements of said orders that all of said securities have been sold and their proceeds, with the exception of \$10,995.07, have been used for the authorized purposes. By application filed under date of July 6, 1917, in case No. 6124, the Long Island Lighting Company prayed for permission to issue \$100,000 par value of its common capital stock and \$130,000 face value of 5 per cent twenty-five year first mortgage bonds, and to sell the former at its par value and the latter for not less than 92 per cent of their face value, and to use the proceeds realized therefrom for certain additions and betterments to its property and for working capital, as enumerated in an exhibit appended to said petition. In said application the petitioner states that inasmuch as the chief objects to be accomplished by the use of the securities authorized to be issued in case No. 2208, or their proceeds, have been attained, the remaining unexpended proceeds aggregating \$10,995.07 will not be required therein, and asks for permission to apply such proceeds toward the purposes for which securities or their proceeds are authorized to be expended in case No. 6124. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the \$10,995.07 of unexpended proceeds of securities authorized to be sold in this case shall be disposed of by the Long Island Lighting Company in accordance with the terms of the order of even date in case No. 6124, and verified reports of such disposition shall be made therein as required by such order.

2. That this case is hereby closed upon the records of this Commission.

[Case No. 2472]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the LONG ISLAND LIGHTING COMPANY under sections 68 and 69 of the Public Service Commissions Law (1) for permission to construct in the town of Smithtown, Suffolk county. poles, wires, substation, and appliances for transmitting and furnishing to the public electricity for light, heat, or power, and for approval of the exercise of a franchise therefor received by said company from the town board and town superintendent of highways of said town; (2) for authority to issue \$90,000 in 5 per cent 25-year first mortgage bonds under an existing mortgage.

Second
amendatory
order.

By previous orders herein, the Long Island Lighting Company was authorized to issue \$90,000 face value of its 5 per cent twenty-five year first mortgage bonds and to use the proceeds realized from the sale of \$44,000 face value thereof at not less than 86.5625 per cent of their face value, and the balance, viz. \$46,000 face value, for not less than 87.5 per cent of their face value, for extensions and improvements to its plant and property as enumerated in said orders. It appears from verified reports filed herein in accordance with the requirements of said orders that all of said bonds have been sold, excepting \$1100 face value, and all except \$772.32 of the proceeds realized from their sales have been used for authorized purposes. By application filed under date of July 6, 1917, in case No. 6124, the Long Island Lighting Company prayed for permission to issue \$100,000 par value of its common capital stock and \$130,000 face value of 5 per cent 25-year first mortgage bonds, and to sell the former at its par value and the latter for not less than 92 per cent of their face value, and to use the proceeds realized therefrom for certain additions and betterments to its property and for working capital, as detailed in an exhibit appended to said petition. In said application the petitioner states that inasmuch as the chief objects to be accomplished by the use of the bonds authorized to be issued in case No. 2472, or their proceeds, have been attained, the bonds still to be issued therein, aggregating \$1100 face value, will not be required, and asks that the authority to issue said remaining bonds be vacated; and for permission to transfer the remaining unexpended balance of proceeds, aggregating \$772.32, to said case No. 6124, to be applied toward the purposes for which securities or their proceeds are therein authorized to be expended. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the orders herein dated October 10, 1911, and October 31, 1912, are hereby modified and amended to authorize the issuance of \$88,900 face value of 5 per cent twenty-five year first mortgage bonds, and the use of \$76,764.23 of the proceeds realized from their sale for the purposes set forth in said orders; and the authorization in addition thereto to issue \$1100 face value of bonds and to use the proceeds thereof is hereby vacated; and the \$772.32 of unexpended proceeds of securities authorized to be sold in this case shall be disposed of by the Long Island Lighting Company in accordance with the terms of the order of even date in case No. 6124, and verified reports of such disposition shall be made therein as required by such order.

2. That this case is hereby closed upon the records of this Commission

578 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4273]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the LONG ISLAND LIGHTING COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$92,000 additional 5 per cent 25-year first mortgage bonds and \$35,000 common capital stock.

Second
amendatory
order.

By previous orders herein, the Long Island Lighting Company was authorized to issue \$35,000 par value of its common capital stock and \$90,000 face value of 5 per cent 25-year first mortgage bonds, and to use the proceeds realized from the sale of the former at its par value and the latter for not less than 87½ per cent of their face value for extensions and improvements to its plant and property as detailed in said orders. It appears from verified reports filed in this proceeding in accordance with the requirements of said orders that all of the securities so authorized have been sold, excepting \$27,500 face value, and the proceeds realized from such sales used for authorized purposes. By application filed under date of July 6, 1917, in case No. 6124, the Long Island Lighting Company prayed for permission to issue \$100,000 par value of its common capital stock and \$130,000 face value of 5 per cent 25-year first mortgage bonds, and to sell the former at its par value and the latter for not less than 92 per cent of their face value, and to use the proceeds realized therefrom for certain additions and betterments to its property and working capital, as enumerated in an exhibit appended to said petition. In said application the petitioner states that inasmuch as the chief objects to be accomplished by the use of the securities authorized to be issued in case No. 4273, or their proceeds, have been attained, the bonds still to be issued therein, aggregating \$27,500 face value, will not be required, and asks that the order therein be modified in that respect. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the orders herein dated May 19 and September 22, 1914, are hereby modified and amended to authorize the issuance of \$35,000 par value of common capital stock and \$90,000 face value of 5 per cent 25-year first mortgage bonds, and the use of the proceeds realized from the sale of the former at its par value and the latter for not less than 87½ per cent of their face value for the purposes enumerated in said orders, and the authorization in addition thereto to issue \$27,500 face value of bonds and to use the proceeds thereof is hereby vacated.

2. That this case is hereby closed upon the records of the Commission.

[Case No. 4887]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of August, 1917.

Present:SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN under section 91 of the Railroad Law for a determination that public safety requires an alteration in the manner in which Buffalo street in said city crosses the tracks of the Erie railroad.

Buffalo street in the city of Jamestown now crosses two main line, high speed tracks and one sidetrack of the Erie railroad at grade, the angle between the center lines of the highway and railroad being about 25.5 degrees. The street is an important thoroughfare connecting an industrial with the business district of the city. With the exception of a comparatively short section embraced within what might be termed the elimination zone, the street has been paved and otherwise improved. This, together with the rapid development of the city, has had the effect of largely increasing the traffic, and thereby has accentuated the delays and dangers incident to the operation of the railroad. The petition alleges that "said crossing, owing to the topographical situation, curvature of the road, obstruction of vision by buildings and other erections, is dangerous for public travel . . . that public safety requires an alteration in the manner of said crossing, and that the crossing . . . should be separated . . . either by the carrying of the street over the tracks of the railroad or carrying the tracks of the railroad over the street".

The Erie railroad in the vicinity of this crossing runs in an easterly and westerly direction. On the south side of the tracks, Allen street joins Buffalo street and runs in a westerly direction. On the north side of the tracks, Blackstone avenue joins Buffalo street and runs in an easterly direction. At a distance of about 500 feet north of the tracks, measured along its center line, the street is intersected by the Chautauqua Outlet creek. Beginning at the bridge spanning this creek, the existing grade of the street rises to the tracks, a height of about ten feet. Proceeding from the tracks along Buffalo street to the southeast, the surface of the street gradually falls away, its descent in four hundred feet being about seven feet.

The City of Jamestown has proposed that in case the elimination of this Buffalo Street crossing shall be ordered, it will pay for all re-grading and support of Allen street and Blackstone avenue necessary to maintain the connections of these streets with Buffalo street; also that it will pay for the paving on that part of Buffalo street affected by the elimination, thus imposing upon the railroad company and the State of New York, respectively, only their proportionate statutory shares of the cost of grading Buffalo street, the abutments, the bridge, the drainage system, work necessary for the maintenance of uninterrupted traffic on the railroad, the necessary rearrangement of existing sidetrack facilities, land and damages, if any, except as hereinafter specified, and incidental and necessary expenses connected with such construction. Personal inspection of the premises by the Commissioner in charge and consideration of the evidence submitted at the hearing have convinced the Commission that public safety requires that the crossing be eliminated, and it has therefore determined to grant the petition. The hearing, after public notice as required by the statute duly given, was held at Jamestown on June 28, 1917, due proof of the publication of said notice and of personal service thereof on property owners being of record. Hon. Samuel A. Carlson, Cheston A. Price, and G. C. Peterson appeared for the City of Jamestown; D. E. Minard for the Erie Railroad Company; representatives of various owners of property in the vicinity of the crossing, and representatives of the

Board of Commerce of the city, also appeared. A study of the situation indicates that it would be impracticable to carry the surface of Buffalo street over the grade of the railroad. On the other hand, it is apparently feasible to secure reasonable grades and satisfactory drainage by carrying the surface of the highway under the grade of the railroad. The Commission has accordingly determined that the latter method shall be followed; and accordingly it is hereby

Ordered: 1. That the Buffalo Street grade crossing of the Erie railroad in the city of Jamestown shall be closed and discontinued, and that there shall be constructed within the present lines of said street an undergrade crossing in accordance with the following general specifications, to wit:

The width of the subway between abutment faces shall be 35 feet, the minimum clear headroom over the crown of the roadway 13 feet; the bridge shall be of plate girder construction in one span; both of the approach grades shall descend toward the subway at the rate of 6 per cent; the grade of the roadway in the subway connecting these approach grades shall be about 0.5 per cent, or sufficient to secure rapid run-off of surface water. Drainage shall be provided by means of at least four catch-basins connected to a drain pipe leading to Chautauqua Outlet creek. All breaks in grade on the street shall be connected by vertical curves, and the surface of the street shall be excavated to subgrade for the imposition of a pavement and of one sidewalk, the location of the latter to be as hereafter elected by the municipality with approval of this Commission.

In respect of Allen street and Blackstone avenue, this Commission determines only that each of these streets shall be re-graded and supported if necessary by retaining walls or otherwise, any improvement of the surfaces of Allen street and Blackstone avenue to be at the election of, and under direction by, and at the sole cost and charge of the city.

2. That the Erie Railroad Company and the State of New York shall pay their respective shares, namely, one-half and one-quarter of the cost of constructing the undergrade crossing in Buffalo street, including the abutments, the bridge, the drainage system, the rearrangement of sidetrack facilities as may be occasioned by the elimination, the maintenance of uninterrupted traffic on the railroad, the grading of Buffalo street, and expenses incidental to and necessary for the proper execution of such work.

This order is made upon the condition, assented to by the City of Jamestown, that all costs of whatsoever nature necessary to connect, improve, and support Allen street and Blackstone avenue with the re-graded surface of Buffalo street shall be payable and paid entirely by the City of Jamestown, and that no part of said cost shall be payable by the Erie Railroad Company or the State of New York. The acceptance of this order by the City of Jamestown shall be deemed as an undertaking on its part to save the Erie Railroad Company and the State of New York harmless from all construction costs and of the cost of any land, easements, rights, land damages, or other damages whatsoever which may arise by virtue of the changes in grade of Allen street and Blackstone avenue, and of any and all work necessary to support and improve such re-grading of said streets, together with all costs of paving of roadway or sidewalk on Buffalo street within the area affected by the elimination of the crossing.

It having been suggested at the hearing in this case that under existing conditions in respect of the cost of labor and material, and particularly the cost of steel, a concrete arch might prove the cheaper and more advisable method of carrying the railroad over the grade of the highway, the Commissioner in charge proposed that notwithstanding this determination in favor of a steel girder bridge, the studies of alternate plans of both steel and concrete construction, with estimates of the costs thereof, respectively, nevertheless properly might be made and continued, with the understanding that at any time before the placing of contracts or of actual construction hereunder, either party hereto may apply at the foot of this order for a modification thereof by substituting a concrete arch for the plate girder bridge provided for in ordering clause 1 hereof; it being further understood that no work shall be done, nor contract made, nor other step taken in carrying out the provisions hereof until the further order of this Commission.

[Case No. 5997]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of August, 1917.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.In the matter of the Petition of the ELMIRA WATER,
LIGHT AND RAILROAD COMPANY for authority to issue
\$600,000 in 5 per cent fifty-year gold bonds under its
first consolidated mortgage.

Petition filed April 25, 1917; report of division of light, heat, and power dated June 8, 1917; report of division of steam railroads dated July 17, 1917; report of division of capitalization dated July 30, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Elmira Water, Light and Railroad Company is hereby authorized to issue \$600,000 face value of its 5 per cent fifty-year first consolidated mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of September, 1906, given to the New York Trust Company as trustee, to secure an authorized issue of a total face value of \$5,000,000.

2. That said bonds of the total face value of \$600,000 may be sold for not less than 92½ per cent of their face value and accrued interest to give net proceeds of at least \$555,000.

3. That said bonds of the face value of \$600,000 so authorized, or the proceeds thereof to the amount of \$555,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of obligations incurred for extensions, improvements, etc., to the plants and systems of the petitioner from November 1, 1915, to December 31, 1916, or their renewals.....	\$168,559.88
Less amount provided for from sale of securities authorized by order dated June 15, 1916, in case No. 5357.....	\$63,570.04
Paid out of funds set aside from earnings during 1916, as provided for in the aforesaid order in case No. 5357.....	20,011.93
	<hr/>
	83,581.97
(b) For proposed expenditures for additions and betterments during the calendar year 1917, as detailed in exhibit B of the petition herein.....	\$79,977.41
	<hr/>
	460,813.00
	<hr/>
	\$540,790.41

Excess \$14,209.59

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (b) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Electrical, Gas, and Street Railroad Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than the amounts set opposite thereto,

no portion of the proceeds realized from the sale of such bonds over the actual cost thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit B of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the work to be done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform Systems of Accounts for Electrical, Gas, and Street Railroad Corporations; (5) that the excess of bond proceeds over the authorized uses thereof in the amount of \$14,209.59 as hereinbefore shown shall be held unexpended in the treasury of the company until its use shall be authorized by this Commission.

4. That if the said bonds of a total face value of \$600,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$555,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Elmira Water, Light and Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Elmira Water, Light and Railroad Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause 3 of this order there shall be shown in detail the amount expended during such period of the proceeds of the bonds herein authorized; (g) with respect to subdivision (b) of clause 3 of this order there shall be shown (1) in detail the amount expended during such period of the proceeds of the bonds herein authorized and the account or accounts under the Uniform System of Accounts for Electrical, Gas, and Street Railroad Corporations to which the expenditures for such purpose have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of the purposes embodied in such subdivision during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivisions (2) and (3) of item (g) above there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6022]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of R. J. CALDWELL
COMPANY of New York city *against* NEW YORK TELEPHONE COMPANY as to service to private switchboard.

Complaint filed May 17, 1917; answer filed June 12, 1917; hearings held at the office of the Commission in the city of New York on June 7 and June 20, 1917. Appearances: Huntington W. Merchant for the complainant; Paul H. Burns for New York Telephone Company. The complainant in this case has a private branch exchange at its place of business and there are three trunk lines running into this private switchboard. These three trunk lines are Nos. 4064, 4065, and 4066, Cortlandt. The only one listed in the telephone directory is 4065. The president of the complainant, Robert J. Caldwell, complains of the service given by the respondent to the private branch exchange of the complainant because of the fact that when he calls one of the above numbers he is frequently advised that the line is busy. He stated at the hearing that he had frequently been unable to get his office on the telephone, and had been advised by the central office that the lines were busy, and he had ascertained that at that time all of the lines were not busy. He stated that it was invariably his practice to call 4066 instead of the number listed in the telephone directory. The young man who acts as operator at the switchboard testified that in handling the telephone service at this switchboard they treated lines 4064 and 4066 as outgoing lines, and held 4065, the listed number, for incoming messages. It also developed that the complainant conducts a great deal of its business by long distance telephone, and that the trunk lines in question are in use a considerable portion of the time in taking care of incoming and outgoing toll calls. The respondent introduced evidence showing the practice of telephone operators in handling calls to a private branch exchange similar to the one in question, and it appears that if the instructions of the company are followed out by the operators there would be no occasion to report a line busy unless such in fact is the case. Mr. Caldwell frankly admitted that he thought the practice of the company was the best one that had been devised up to the present time providing the operators followed out instructions. It was suggested at the hearing that possibly he had experienced some delay in making the calls in question because of the fact that he asked for the number that was held at his office for outgoing messages, and also that perhaps some of the annoyance which he had experienced might be obviated if he would call the number listed in the telephone directory; to this he readily assented, and it was agreed by representatives of the complainant and the respondent that if this practice could be followed out for a period of time there would be an opportunity to determine whether any better service were obtained in this way. The respondent advised that it would again urge upon its operators in the Cortlandt exchange that they should carefully observe the rules and regulations with respect to handling messages to private exchanges. Under the circumstances, therefore, it does not appear as though any determination is required by the Commission at the present time with respect to the service given to the complainant by the respondent, and it is therefore

Ordered: That the complaint herein be and the same hereby is dismissed, with the right to the complainant to reopen the case at any time after November 1, 1917, provided it shall desire to present further evidence with respect to the telephone service given it by the respondent.

584 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6032]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the EMPIRE COKE COMPANY under section 69, Public Service Commissions Law, for authority to issue \$93,700 in its collateral trust mortgage bonds.

Petition filed May 25, 1917; hearing held July 30, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Empire Coke Company is hereby authorized to issue \$93,700 face value of its 6 per cent twenty-five year collateral trust mortgage bonds under a certain indenture, deed of trust, or mortgage, and a certain supplement thereto, dated March 1, 1916, and May 1, 1917, respectively, given to the Metropolitan Trust Company of the City of New York as trustee, to secure an authorized issue of a total face value of \$500,000.

2. That said bonds of the total face value of \$93,700 may be sold for not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$84,330.

3. That said bonds of the face value of \$93,700 so authorized, or the proceeds thereof to the amount of \$84,330, shall be used solely and exclusively for working capital, provided that such working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable it to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Empire Coke Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That the Empire Coke Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds used the report shall set forth such fact.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6050]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 55, Public Service Commissions Law, for authority to guarantee \$1,000,000 in 25-year 5 per cent bonds, to be dated June 1, 1917, of the Boston and Albany Railroad Company, lessor. Also petition of the BOSTON AND ALBANY RAILROAD COMPANY for authority to issue the bonds.

Petitions filed June 7 and 20, and July 6, 1917; report of division of capitalization dated August 1, 1917; copy of order dated July 27, 1917, of the Public Service Commission of the Commonwealth of Massachusetts, filed July 28, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Boston and Albany Railroad Company is hereby authorized to issue \$1,000,000 face value of its 5 per cent 25-year debenture bonds which may be sold at a price not less than the face value thereof to give net proceeds of at least that sum.

2. That said bonds of the face value of \$1,000,000 so authorized, or the proceeds thereof to the amount of \$1,000,000, shall be used solely and exclusively for the discharge of indebtedness incurred and to be incurred in advances received from The New York Central Railroad Company for extensions and improvements to the property of the petitioner, as set forth in exhibits A and B of the petition herein filed on the 20th day of June, 1917, as follows:

(a) Expenditures from December 1, 1915, to March 31, 1917.....	\$748,747.33
(b) For proposed additions and improvements.....	285,000.00
	<hr/>
	\$1,033,747.33

Amount unprovided for.....	\$33,747.33
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3. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Boston and Albany Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

4. That The New York Central Railroad Company is hereby authorized to guarantee the punctual payment of the principal and interest of the 5 per cent 25-year debenture bonds of the Boston and Albany Railroad Company of the aggregate face value of \$1,000,000 herein authorized to be issued.

5. That the Boston and Albany Railroad Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such report shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good

faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the Boston and Albany Railroad Company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6051]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 53 of the Public Service Commissions Law for permission to exercise a right under section 24 of the Railroad Law to change its route in the cities of Tonawanda and North Tonawanda; and for approval of the exercise of franchises therefor received from said cities.

A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by The New York Central Railroad Company under date of May 29, 1917, for permission to exercise a right under section 24 of the Railroad Law, and for the approval by this Commission of and for its consent to the exercise of a franchise granted to the petitioner corporation by the City of North Tonawanda under date of March 20, 1917, and of a franchise granted to the petitioner corporation by the City of Tonawanda under date of May 9, 1917, which said franchises provide generally for an alteration of the routes of said railroad corporation in and through the cities of Tonawanda and North Tonawanda respectively. And a public hearing on said petition, after due notice given, having been held by this Commission at which appeared Locke, Babcock, Spratt & Hollister for the petitioner, besides B. S. Voorhees, its engineer of grade crossings; Kenefick, Cooke, Mitchell & Bass for the Lehigh Valley Railroad Company; Cohn, Chormann & Franchot for the International Railway Company; E. D. Minard for the Erie Railroad Company; F. H. Millener for the City of Tonawanda; James P. Lindsay for the City of North Tonawanda; George O. Miller, chairman of the Board of Public Works of North Tonawanda; F. C. Butler, secretary of the Chamber of Commerce of the Tonawandas; and various property owners in person and by counsel, respectively. And evidence having been taken; and after due deliberation, this Commission having determined that the exercise of the rights and franchises mentioned and referred to is necessary and convenient for the public service and properly should be approved and authorized; and it having been further determined that in the construction of its new alignment as described and established in the aforesaid franchises the New York Central railroad shall incidentally and necessarily cross the tracks of the Erie Railroad Company and of the International Railway Company in the city of Tonawanda, and the tracks of the International Railway Company in the city of North Tonawanda; that said crossings of the Erie Railroad Company and the International Railway Company in Tonawanda under the circumstances properly may be allowed to be made at grade, but that the

crossings of the International Railway Company in the city of North Tonawanda at both Sweeny and Goundry streets shall be overgrade; it is

Ordered: That this Commission under section 53 of the Public Service Commissions Law hereby authorizes and approves the exercise of the aforesaid franchises and rights, and each of them, granted to and conferred upon the petitioner corporation by the cities of North Tonawanda and Tonawanda respectively as aforesaid; and the right under section 24 of the Railroad Law to change its route as specified in said petition; and hereby determines that the said changed line of the petitioner corporation shall cross the tracks of the Erie Railroad Company and of the International Railway Company at the new location of the former in the city of Tonawanda at grade, and shall cross the tracks of the International Railway Company at Goundry street and at Sweeny street in the city of North Tonawanda overgrade: any proper apportionment among the three railroad corporations mentioned of the cost and expense of constructing and establishing such crossings and each of them respectively to be hereafter determined.

[Case No. 6113]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of CORY R. ROBERTS under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Batavia, it being proposed that the route shall also be operated between Warsaw and Batavia.

A petition having heretofore been duly filed with the Commission by Cory R. Roberts of the city of Batavia, Genesee county, New York, pursuant to chapter 667 of the laws of 1915, asking for a certificate of convenience and necessity for the operation of a motor vehicle or motor vehicles for the transportation of passengers and baggage for hire on the stage line or route set out in said petition; and it appearing that a consent therefor has been duly granted by the mayor and the common council of the City of Batavia, which consent is attached to said petition and filed with the papers in this case; and a hearing having been duly held by the Commission in the city of Buffalo on the 27th day of July, 1917, pursuant to a notice duly given and published as required by the rules of the Commission; and the said petitioner having appeared at said hearing by James L. Kelly, esq., as counsel, no other appearances having been made; and proofs having been duly taken; and it appearing by such proofs that the route over which the petitioner desires to operate a motor vehicle or motor vehicles extends from the Richmond Hotel in the city of Batavia down Court street to Ellicott street; thence out Ellicott street across the Lehigh Valley Railroad tracks at grade to and through the village of East Bethany; thence to the village of Pavilion; and thence through Pavilion to and through the village of Wyoming; and thence up the Wyoming Valley to Warsaw; and thence back to the city of Batavia over the same route. And it further appearing that said petitioner has complied with the terms and conditions of the franchise granted to him by the City of Batavia; and it further appearing to this Commission from the proofs and records in the case that public convenience and necessity require the operation by said Cory R. Roberts, the petitioner in this proceeding, of a motor vehicle or motor vehicles over the route hereinbefore described, it is

Ordered: That Cory R. Roberts of the city of Batavia be and he is hereby authorized and empowered to operate a motor vehicle or motor vehicles for the transportation of passengers and baggage for hire over the route hereinbefore described in this order, in either direction, and to take on and discharge passengers and baggage at any point desired on said route and in the villages through which said route passes; and to take on and discharge passengers and baggage at any place desired in the city of Batavia; and to take on passengers at any point on said route, subject to all the terms and conditions of the consent and franchise granted by the City of Batavia, and subject to all present and future ordinances of the City of Batavia, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto.

Further Ordered: That this consent shall not be construed as to permit said petitioner to carry passengers from one point within the city of Batavia to another point within the said city.

Further Ordered: That no trailer shall be attached to any motor vehicle used by petitioner upon said route.

Further Ordered: That any rights granted to petitioner by this order shall not be transferred without the consent of this Commission.

[Case No. 6124]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day of
August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the petition of LONG ISLAND LIGHTING COMPANY under section 69, Public Service Commissions Law, for authority to issue \$130,000 in first mortgage 5 per cent 25-year gold bonds and \$100,000 in common capital stock; also for modification of four previous orders

Petition filed July 6, 1917; report of division of light, heat, and power dated July 21, 1917; report of division of capitalization dated July 31, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Long Island Lighting Company is hereby authorized to issue \$130,000 face value of its 5 per cent 25-year first mortgage sinking fund gold bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of March, 1911, and supplement thereto, given to the Bankers Trust Company as successor trustee by merger to the Mercantile Trust Company of New York, to secure an authorized issue of a total face value of \$6,000,000.

2. That the Long Island Lighting Company is hereby authorized to issue \$100,000 par value of its common capital stock which may be sold for not less than the par value thereof to give net proceeds of that sum.

3. That said bonds of the total face value of \$130,000 may be sold for not less than 92 per cent of their face value and accrued interest to give net proceeds of at least \$119,600.

4. That said bonds and stock of the face and par value of \$230,000 so authorized, or the proceeds thereof to the amount of \$219,600, together with unexpended proceeds realized from the sale of securities authorized in cases Nos. 2208 and 2472 transferred hereto by orders therein of even date herewith: case No. 2208, \$10,995.07; case No. 2472, \$772.32: \$11,767.39: \$231,367.39 shall be used solely and exclusively for the following purposes:

(a) For proposed extensions and betterments to the plans and systems of the petitioner as detailed in exhibit 1 of the petition herein	\$127,418.00
(b) For expenditures on projects X-1 to X-38 for which no security proceeds have heretofore been authorized to be expended as detailed in said exhibit 1.....	54,552.00
(c) For working capital.....	50,000.00
	<hr/>
	\$231,969.00

Amount unprovided for..... \$600.61

in so far as the same may be applicable, provided (1) that such bonds and stock or the proceeds thereof shall be applied on such new construction summarized above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Electrical and Gas Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such bonds and stock over the actual cost thereof shall be used for any purpose without the further order of this Commission; (4) that such working capital shall not be disbursed by such company for purposes properly chargeable to income but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

5. That if said securities of a total face and par value of \$230,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$220,200.61, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Long Island Lighting Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Long Island Lighting Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivisions (a) and (b) of clause No. 4 of this order there shall be shown (1) in detail the amount expended during such period of the proceeds of the securities herein authorized for each of such purposes, and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period; (g) with respect to subdivision (c) of clause No. 4 of this order there shall be shown the amount used therefor during such period of the proceeds of the securities herein authorized. In reporting under subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended and used in

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accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended or used the report shall set forth such fact.

8. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6147]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of ARCADE AND ATTICA RAILROAD CORPORATION under subdivision 10, section 8, Railroad Law, and section 55, Public Service Commissions Law, for consent to issue a first mortgage for \$50,000, and to issue now \$25,000 in 5 per cent gold bonds to be secured thereby.

Petition filed July 27, 1917; report of division of capitalization dated August 1, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Arcade and Attica Railroad Corporation is hereby authorized to execute and deliver to the Olean Trust Company, Inc., as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its property and equipment, to secure an issue of first mortgage gold bonds to the aggregate amount of \$50,000 face value, bearing interest at the rate of 5 per cent per annum, payable annually, a copy of which indenture has been filed with the Commission herein, and in which certain corrections have been made, and that the form thereof so filed and corrected is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; but no bonds secured thereby shall be issued or sold until the provisions of this clause shall have been complied with.

3. That the Arcade and Attica Railroad Corporation is hereby authorized to issue \$25,000 face value of its 5 per cent first mortgage gold bonds under the aforesaid mortgage.

4. That said bonds of the total face value of \$25,000 may be sold for not less than their face value and accrued interest to give net proceeds of at least that sum.

[Case No. 6032]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the EMPIRE COKE COMPANY under section 69, Public Service Commissions Law, for authority to issue \$93,700 in its collateral trust mortgage bonds.

Petition filed May 25, 1917; hearing held July 30, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Empire Coke Company is hereby authorized to issue \$93,700 face value of its 6 per cent twenty-five year collateral trust mortgage bonds under a certain indenture, deed of trust, or mortgage, and a certain supplement thereto, dated March 1, 1916, and May 1, 1917, respectively, given to the Metropolitan Trust Company of the City of New York as trustee, to secure an authorized issue of a total face value of \$500,000.

2. That said bonds of the total face value of \$93,700 may be sold for not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$84,330.

3. That said bonds of the face value of \$93,700 so authorized, or the proceeds thereof to the amount of \$84,330, shall be used solely and exclusively for working capital, provided that such working capital shall not be disbursed by such company for purposes properly chargeable to income, but shall be retained to enable it to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

4. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Empire Coke Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

5. That the Empire Coke Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds used the report shall set forth such fact.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6050]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 2nd day
of August, 1917.*Present:*SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 55, Public Service Commissions Law, for authority to guarantee \$1,000,000 in 25-year 5 per cent bonds, to be dated June 1, 1917, of the Boston and Albany Railroad Company, lessor. Also petition of the BOSTON AND ALBANY RAILROAD COMPANY for authority to issue the bonds.

Petitions filed June 7 and 20, and July 6, 1917; report of division of capitalization dated August 1, 1917; copy of order dated July 27, 1917, of the Public Service Commission of the Commonwealth of Massachusetts, filed July 28, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Boston and Albany Railroad Company is hereby authorized to issue \$1,000,000 face value of its 5 per cent 25-year debenture bonds which may be sold at a price not less than the face value thereof to give net proceeds of at least that sum.

2. That said bonds of the face value of \$1,000,000 so authorized, or the proceeds thereof to the amount of \$1,000,000, shall be used solely and exclusively for the discharge of indebtedness incurred and to be incurred in advances received from The New York Central Railroad Company for extensions and improvements to the property of the petitioner, as set forth in exhibits A and B of the petition herein filed on the 20th day of June, 1917, as follows:

(a) Expenditures from December 1, 1915, to March 31, 1917.....	\$748,747.83
(b) For proposed additions and improvements.....	285,000.00
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	\$1,033,747.83

Amount unprovided for.....	\$88,747.83
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3. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Boston and Albany Railroad Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

4. That The New York Central Railroad Company is hereby authorized to guarantee the punctual payment of the principal and interest of the 5 per cent 25-year debenture bonds of the Boston and Albany Railroad Company of the aggregate face value of \$1,000,000 herein authorized to be issued.

5. That the Boston and Albany Railroad Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such report shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good

[Case No. 2208]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARRITE,
Commissioners.

In the matter of the Joint Petition of the AMITYVILLE ELECTRIC LIGHT COMPANY, THE SAYVILLE ELECTRIC COMPANY, THE NORTHPORT ELECTRIC LIGHT COMPANY, ISLIP ELECTRIC LIGHT COMPANY, and LONG ISLAND LIGHTING COMPANY under section 70 of the Public Service Commissions Law, and of the LONG ISLAND LIGHTING COMPANY under section 69 of the Public Service Commissions Law; and as to construction by the Long Island Lighting Company.

Second
amendatory
order.

By previous orders herein, the Long Island Lighting Company was authorized to issue \$265,000 par value of its common capital stock and \$295,000 face value of its 5 per cent twenty-five year first mortgage bonds, and to use the proceeds realized from the sale of the former at its par value and the latter for not less than 85 per cent of their face value, for the acquisition of the outstanding stocks and bonds of certain other electrical corporations, for extensions and improvements to its plant and system, for working capital, etc., as detailed in said orders. It appears from verified reports filed herein in accordance with the requirements of said orders that all of said securities have been sold and their proceeds, with the exception of \$10,995.07, have been used for the authorized purposes. By application filed under date of July 6, 1917, in case No. 6124, the Long Island Lighting Company prayed for permission to issue \$100,000 par value of its common capital stock and \$130,000 face value of 5 per cent twenty-five year first mortgage bonds, and to sell the former at its par value and the latter for not less than 92 per cent of their face value, and to use the proceeds realized therefrom for certain additions and betterments to its property and for working capital, as enumerated in an exhibit appended to said petition. In said application the petitioner states that inasmuch as the chief objects to be accomplished by the use of the securities authorized to be issued in case No. 2208, or their proceeds, have been attained, the remaining unexpended proceeds aggregating \$10,995.07 will not be required therein, and asks for permission to apply such proceeds toward the purposes for which securities or their proceeds are authorized to be expended in case No. 6124. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the \$10,995.07 of unexpended proceeds of securities authorized to be sold in this case shall be disposed of by the Long Island Lighting Company in accordance with the terms of the order of even date in case No. 6124, and verified reports of such disposition shall be made therein as required by such order.

2. That this case is hereby closed upon the records of this Commission.

[Case No. 2472]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 2nd day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the LONG ISLAND LIGHTING COMPANY under sections 68 and 69 of the Public Service Commissions Law (1) for permission to construct in the town of Smithtown, Suffolk county. poles, wires, substation, and appliances for transmitting and furnishing to the public electricity for light, heat, or power, and for approval of the exercise of a franchise therefor received by said company from the town board and town superintendent of highways of said town; (2) for authority to issue \$90,000 in 5 per cent 25-year first mortgage bonds under an existing mortgage.

Second
amendatory
order.

By previous orders herein, the Long Island Lighting Company was authorized to issue \$90,000 face value of its 5 per cent twenty-five year first mortgage bonds and to use the proceeds realized from the sale of \$44,000 face value thereof at not less than 86.5625 per cent of their face value, and the balance, viz. \$46,000 face value, for not less than 87.5 per cent of their face value, for extensions and improvements to its plant and property as enumerated in said orders. It appears from verified reports filed herein in accordance with the requirements of said orders that all of said bonds have been sold, excepting \$1100 face value, and all except \$772.32 of the proceeds realized from their sales have been used for authorized purposes. By application filed under date of July 6, 1917, in case No. 6124, the Long Island Lighting Company prayed for permission to issue \$100,000 par value of its common capital stock and \$130,000 face value of 5 per cent 25-year first mortgage bonds, and to sell the former at its par value and the latter for not less than 92 per cent of their face value, and to use the proceeds realized therefrom for certain additions and betterments to its property and for working capital, as detailed in an exhibit appended to said petition. In said application the petitioner states that inasmuch as the chief objects to be accomplished by the use of the bonds authorized to be issued in case No. 2472, or their proceeds, have been attained, the bonds still to be issued therein, aggregating \$1100 face value, will not be required, and asks that the authority to issue said remaining bonds be vacated; and for permission to transfer the remaining unexpended balance of proceeds, aggregating \$772.32, to said case No. 6124, to be applied toward the purposes for which securities or their proceeds are therein authorized to be expended. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the orders herein dated October 10, 1911, and October 31, 1912, are hereby modified and amended to authorize the issuance of \$88,900 face value of 5 per cent twenty-five year first mortgage bonds, and the use of \$76,764.23 of the proceeds realized from their sale for the purposes set forth in said orders; and the authorization in addition thereto to issue \$1100 face value of bonds and to use the proceeds thereof is hereby vacated; and the \$772.32 of unexpended proceeds of securities authorized to be sold in this case shall be disposed of by the Long Island Lighting Company in accordance with the terms of the order of even date in case No. 6124, and verified reports of such disposition shall be made therein as required by such order.

2. That this case is hereby closed upon the records of this Commission

interference by the Commission in respect of any train mentioned in the complaints except train formerly known as No. 222, leaving Jamestown at 6:10 a. m. and arriving at Hornell at 10:15 a. m., where it connected with train 2 from Buffalo to New York. This train was eliminated, and the effect of its elimination is that there is now no local train leaving Jamestown for the east until 10:15 a. m., arriving in Hornell at 2:18 p. m. The evidence offered by the railroad company tends to show that the passenger business on train 222 was not in itself profitable. On the other hand, it appears that the passenger business was considerable and that the train was used by passengers traveling on business. Jamestown is a city of about forty thousand inhabitants, is an important manufacturing community, and has a considerable wholesale trade. The train was used by traveling men to whom and to whose employers awaiting until 10:25 is a serious loss. It was used by others having occasion to leave Jamestown early in the morning, and by passengers having occasion to board the train farther east. It appeared that from one hotel in Jamestown there was an average of from five to six passengers each day using this train. In addition, it was the only early morning mail train from Jamestown east, and carried a great deal of express, including bread from bakeries in Jamestown, so that the public had come to depend upon it for its daily bread. Its elimination does finally impair the usefulness of the communities involved. It is true that this Commission can not regulate mail service, and that the express company is not a party to the proceeding, but mail and express can not be carried unless trains run, and there is no indication that the disturbance of long established mail and express service is due to any other cause than the action of the respondent in eliminating the train. The case has been held for some time since the hearing in hopes that the railroad company would realize the necessity of restoring this one train, but this hope has not been realized. It is therefore

Ordered: 1. That the respondent, on or before August 20, 1917, place in service a passenger train similar in character and approximately on the schedule of train formerly known as No. 222, and that it continue its operation until further order of the Commission.

2. That the respondent notify the Commission within five days after service of a copy of this order as to its acceptance thereof.

[Case No. 6063]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of WILSON & Co., Inc., under section 53, Public Service Commissions Law, for permission to construct, and approval of a franchise from the City of Albany to construct, at grade, a single-track siding in Jackson street and across Spencer street in said city.

Appearances: Neile F. Towner for petitioner; Visscher, Whalen & Austin for The New York Central Railroad Company; Edwin T. Coffin, secretary, Albany Chamber of Commerce; George J. Hatt, 2nd, for property owner; John A. Delehanty for property owners. A petition under section 53, Public Service Commissions Law, having been filed with this Commission by Wilson & Co., Inc., a packer of and wholesale dealer in meats and other food products, for permission to construct at grade a single-track siding for freight in Jackson street and across Spencer street in the city of Albany, as hereinafter described; and for approval of the exercise of a franchise therefor received

by said petitioner from the city; and public hearings on said petition, after due notice, having been held in Albany, at which those named above appeared; and The New York Central Railroad Company having joined in the petition, and the said franchise having been assigned to it; and it appearing that The New York Central Railroad Company is to construct and operate said siding; and this Commission hereby determining from the papers and hearings that such construction and exercise of said franchise are necessary and convenient for the public service, on the conditions hereinafter named, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves construction at grade by The New York Central Railroad Company of a single-track railroad siding for the transportation of freight, to be constructed from a switch connection with an existing sidetrack of said railroad company in Jackson street, in the city of Albany, said switch connection to be made at a point approximately 180 feet north of the northerly line of Spencer street, and said siding thence to extend, diagonally, southerly in Jackson street to Spencer street, and across Spencer street to and on property fronting on and south of Spencer street, for the purchase of which property Wilson & Co., Inc., has an option, and on which it proposes to erect a warehouse; and hereby permits and approves the exercise by The New York Central Railroad Company of a franchise therefor from the City of Albany which was bought by Wilson & Co., Inc., at public auction, and which has been assigned by Wilson & Co., Inc., to The New York Central Railroad Company, which franchise was passed by the common council of Albany, April 16, and approved by the mayor April 26, 1917, a copy of which franchise, certified by the city clerk to be a true copy, is filed with this Commission with the papers in this case; there being also filed with said papers a certificate from the secretary of the board of contract and supply of said city that said franchise was on June 4, 1917, sold at public auction to Wilson & Co., Inc.; and there also being filed with said papers a copy of a resolution of the board of estimate and apportionment of said city, certified by the secretary of said board, approving the sale of said franchise to Wilson & Co., Inc.; this permission and approval, however, is granted only on the following conditions: (1) That the operation of said switch or sidetrack shall be subject to the provisions of the ordinances of the City of Albany with respect thereto; (2) that only locomotive engines and freight cars shall be operated over said siding; (3) that each movement of a locomotive engine or freight car or cars on Jackson and Spencer streets shall be preceded by a flagman for the purpose of giving warning of said movement; (4) that no locomotive engine or freight car or cars shall be moved on said siding between 7 a. m. and 7 p. m. of any day, the intention being that the siding shall not be used for moving locomotive engines or cars between said hours unless otherwise ordered by this Commission; (5) that this Commission may in the future, by formal order, provide that The New York Central Railroad Company shall use this siding for handling freight car or cars for others than Wilson & Co., Inc.; (6) that The New York Central Railroad Company and Wilson & Co., Inc., shall, within fifteen days from the service upon each of said companies of a certified copy of this order, notify this Commission whether the terms of this order are accepted and will be obeyed by each of said companies.

[Case No. 6129]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day
of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of WILLIAM T. HYZER
under section 68 of the Public Service Commissions
Law for permission to construct an electric plant in
the incorporated village of Andes, Delaware county,
and for approval of a franchise from the village.

Petition filed July 13, 1917; affidavit of publication of notice of application
filed July 27, 1917; hearing held at the office of the Commission in the city
of Albany August 2, 1917. Appearances: the petitioner in person. This is an
application for permission to exercise a franchise granted by the Village of
Andes, Delaware county, on June 13, 1917. At the hearing which was held
on August 2, 1917, there was no opposition to the granting of the application.
The Commission having determined that public convenience and necessity
require the construction of an electric plant in the village of Andes to furnish
electricity for light, heat, and power, and the exercise of said franchise, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service
Commissions Law, the permission and approval of this Commission be and
they hereby are given to William T. Hyzer to construct, maintain, and
operate an electric plant in the village of Andes, Delaware county, New York,
together with all transmission and distribution lines required for use in
connection therewith, and to the exercise by him of the franchise granted to
him by the village authorities of the Village of Andes on June 13, 1917,
subject to all the terms and conditions therein set forth.

[Case No. 6146]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day
of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of BUFFALO GENERAL
ELECTRIC COMPANY under section 69, Public Service
Commissions Law, for authority to issue \$4,400,000 in
convertible 6 per cent 5-year debenture bonds, to
make a trust agreement covering them, and to issue
an equal amount of common capital stock for the
conversion.

Petition filed July 28, 1917; report of division of light, heat, and power
dated August 4, 1917; report of division of capitalization dated August 8,
1917; hearing held August 8, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Buffalo General Electric Company is
hereby authorized to execute and deliver to the Bankers Trust Company of
Buffalo as trustee, a corporation organized and existing under the laws of

the State of New York, a certain trust agreement dated August 1, 1917, to secure an issue of five-year convertible debenture bonds to the aggregate amount of \$4,400,000 face value, bearing interest at the rate of 6 per cent per annum, payable semiannually on the first days of February and August in each year, a copy of which agreement has been filed with the Commission herein as "Corrected Exhibit A," and that the form of such agreement so filed is hereby approved.

2. That upon the execution and the delivery of said agreement so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the agreement as executed and delivered is the same as that herein approved by the Commission; but no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

3. That the Buffalo General Electric Company is hereby authorized to issue \$4,400,000 face value of its 6 per cent 5-year convertible debenture bonds under the aforesaid agreement.

4. That said bonds of the total face value of \$4,400,000 may be sold to net the company 97 per cent of their face value, namely \$4,268,000.

5. That said bonds of the face value of \$4,400,000 so authorized, or the proceeds thereof to the amount of \$4,268,000, shall be used solely and exclusively for the following purposes:

(a) For the construction of an extension to the petitioner's steam plant located in the city of Buffalo, as detailed in exhibit D of the petition, and the installation therein of five boilers and a 35,000-kw. unit	\$2,288,000
(b) To be applied toward the reimbursement of the treasury for moneys actually expended from income for the acquisition of fixed assets during the period from December 31, 1913, to May 31, 1917, inclusive, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation.....	500,000
(c) To be held as a treasury asset of the company until a further order shall have been received from this Commission specifically authorizing the use thereof.....	1,480,000
	<hr/> \$4,268,000

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (a) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Cororations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such bonds over the actual cost thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit D of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Buffalo General Electric Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Buffalo General Electric Company is hereby authorized to issue \$4,400,000 par value of its common capital stock, or as much thereof as may be necessary, which shall be used solely and exclusively for the purpose of converting the bonds herein authorized, or any portion thereof, into such common capital stock on the basis of par for par, in accordance with the provisions of the agreement hereinbefore approved.

8. That the Buffalo General Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause No. 5 of this order there shall be shown the following information: (1) In detail the amount expended during such period of the proceeds of the bonds herein authorized for each of the purposes set forth in said exhibit D of the petition, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of the purposes set forth in said exhibit D during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures for said purposes during such period; (g) with respect to subdivision (b) of clause No. 5 of this order there shall be shown the amount used during such period of the proceeds of the bonds herein authorized; (h) full particulars of the conversions which have been effected in accordance with the authority contained herein and the dates thereof; (i) the amount of bonds still to be converted into stock. In reporting under subdivision (f) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold, converted, or disposed of, and the proceeds of such sales expended and used in accordance with the authority contained herein, and if during any period no securities were sold, converted, or disposed of, or the proceeds of such sales expended or used, the report shall set forth such fact.

9. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the petitioner herein shall have been concluded and the corrections, if any, which are found necessary by reason of such examinations shall have been made in the accounts of said company to the satisfaction of the Commission.

10. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

600 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 of the Railroad Law as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city; and in the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modifications asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of The New York Central Railroad Company and the Bronx Parkway Commission, as indicated by the respective signatures of the manager of the Grand Central Terminal improvements of the railroad company and the engineer and secretary of the Bronx Parkway Commission upon a plan marked Map 368, showing details of piers numbers 3, 4, and 5, for the viaduct to be constructed pursuant to a determination of this Commission dated December 16, 1916, in the matter above entitled; and upon the approval of the authorities of the cities of Mount Vernon and Yonkers, as indicated by a letter on file dated August 7, 1917, from the mayor of the City of Mount Vernon, and by letter from the city engineer of Yonkers dated August 6, 1917, it is

Ordered: That said plan be and it is hereby approved.

[Case No. 774]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of August, 1917.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law as to the elimination of the Pondfield Road highway grade crossing of the New York Central railroad in the village of Bronxville, Westchester county.

Ordered: 1. That the fourth intermediate accounting entered into by The New York Central Railroad Company with the Village of Bronxville and this Commission, showing expenditures made between January 1, 1917, and June 1, 1917, to the amount of \$10,643.80, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved, of which said amount the sum of \$10,321.16 has been expended by the railroad company, and the sum of \$322.64 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its treasurer, and accepted by the Village of Bronxville as indicated by the signature of its village president.

2. That the total amount of \$10,643.80, thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$5321.90; the share of the Village of Bronxville is the sum of \$2660.95; and the share of the State of New York is \$2660.95, upon which, however, it is entitled to a credit of \$322.64, leaving as a balance now due and payable by the State of New York to said The New York Central Railroad Company from funds appropriated for the elimination of grade crossings the sum of \$2338.31.

[Case No. 3675]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of August, 1917.

*Present:*SEYMOUR VAN SANTVOORD, Chairman,
WILLIAM TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY; the TOWN OF NORTH SALEM, Westchester county; and the STATE COMMISSION OF HIGHWAYS, under section 91 of the Railroad Law as to closing and discontinuance of the First Street and Cross Street grade crossings of the New York and Harlem Railroad, lessor, at Croton Falls, Westchester county; and the construction of an under-crossing of said railroad a short distance north of the present Cross Street grade crossing.

Supplemental
order.

The elimination of the First Street and Cross Street grade crossings of the Harlem Division of the New York Central Railroad in the town of North

Salem, Westchester county, referred to in the Commission's order of December 31, 1913, has been accomplished by the construction of an undergrade crossing and approaches leading thereto. The order requires that the work of elimination shall be carried out as shown upon a general plan on file and according to grades of specified lengths and rates per cent on the approaches. Previous to the filing of the original petition the railroad corporation, the State Department of Highways, and the Town of North Salem entered into an agreement, of which a copy is annexed to the petition herein, which provides among other things that "The State will arrange for the acquisition of the necessary lands in order to construct this improvement as outlined on said plan, all of the above work to be done and paid for in the manner prescribed by the Highway Law. The town will arrange for the abandonment of the two existing grade crossings upon the completion of the new state highway under the railroad tracks; also pay any and all damages accruing from the abandonment of these crossings. The company will construct and maintain the substructure and superstructure to carry its tracks over the location of the state highway as shown on the attached plan at its entire expense." The plan thus referred to is a general plan attached to the petition and provides for the elimination herein and is identical with the plan referred to in the Commission's determination. In pursuance of the said agreement, under date of December 31, 1913, this Commission determined that "The New York Central and Hudson River Railroad Company shall pay all costs of whatever nature for the construction and maintenance of the substructure and superstructure of the bridge to carry its tracks; the State of New York out of highway funds shall pay all costs of whatever nature for the acquisition of the necessary lands to construct the new highways, for all grading and paving required to construct the subway and approaches, for the drainage of the subway and approaches, and for all other work necessary to the construction and maintenance of the highways; the Town of North Salem shall pay any and all damages of whatever nature accruing from the closing of the grade crossings at First and Cross streets, and arrange for the abandonment of the crossings on these streets upon the completion of the work herein ordered." Shortly after this determination by the Commission the railroad corporation began the construction of the abutments and the bridge, and the State Commission of Highways also made arrangements for the performance of its part of the work and proceeded with the construction of the approaches in accordance with a map prepared by and approved by the Highway Department, the grades on which, at least so far as the approaches to the undergrade crossing are concerned, did not agree with the grades shown on the elimination plan and specified in the Commission's order. The discrepancy was discovered by the engineers of this Commission on or about December 18, 1915, and the Highway Department was notified of the error. Apparently, assuming that the last above mentioned plan was to govern the grades on the approaches, the Highway Department continued and completed the work accordingly instead of in accordance with the plan referred to in the aforesaid order of the Commission, which resulted in the construction of the easterly approach grade at an elevation of from 2½ to 3 feet lower than indicated by and delineated in the elimination plan adopted and approved by this Commission.

On July 5, 1916, the town board of the Town of North Salem filed with the Commission an appeal for relief from the conditions created by the approach as constructed on the easterly side of the railroad, on the ground that the work was dangerous and threatening to public travel. It requested that the section of the road leading from Close's hill to the railroad (the easterly approach) be made 2 feet, 8 inches higher. Upon this application the Commission held a hearing in New York city on September 27, 1916, at which F. L. Wheeler appeared for The New York Central Railroad Company, L. Holmes and W. G. Craig for the State Commission of Highways, Charles A. Van Auken and E. P. Barrett for the board of supervisors of Westchester County, F. L. Reynolds for the Town of North Salem, and severall property owners in person or by counsel. An inspection on the spot was later made by the Commissioner in charge, and the Commission subsequently determined that the complaint was justified, and a plan showing a suggested method of remedying the alleged dangerous conditions was prepared by its engineers and submitted to

the State Department of Highways and the Town of North Salem. This plan has been approved by the State Commission of Highways and the Town of North Salem, and the original thereof, bearing the signature of Fred W. Sarr and Albert J. Lobdell, and further identified by the signature in approval of the chairman of this Commission on August 14, 1917, is on file with this Commission and is to be considered as a part of this order and determination. It provides for the substitution of a 7 per cent approach grade on the easterly side of the railroad and the necessary and incidental adjustments of grades with First street, a street running parallel with and on the easterly side of the railroad. The aforesaid 7 per cent grade will raise the surface of the approach as suggested by the town board and provide turns at the junction of First street, which in the opinion of the Commission will be satisfactory and eliminate the dangers now alleged to exist. It is accordingly

Ordered: 1. That the existing easterly approach to the new undergrade crossing be changed so that beginning at a point under the easterly girder of the bridge there shall be a vertical curve about 100 feet long, merging into an ascending 7 per cent grade about 95 feet long; thence by means of a vertical curve and a short piece of about 2.3 per cent grade to meet the existing grade on First street near the residence of Miss F. B. Close at a point marked C on a map on file with the Commission in this case and made a part thereof, entitled "State of New York, Public Service Commission, Second District, Proposed Change of Grades, State Highway 5464 and intersecting roads, Croton Falls, Westchester county, July 19, 1917."

2. That beginning at a point on First street marked A on the plan last above referred to, the approach in front of the property of Victor Miller, connecting First street with the easterly approach to the undergrade crossing, shall be changed so that it shall descend from said point on a uniform grade of about 11 per cent.

3. That the necessary grading between points D and E as shown on said plan, connecting the easterly approach with First street, be changed so as to provide a uniform grade between said two points, and that the necessary changes be made in the drainage system to accommodate the new grade conditions as herein provided for.

4. That as understood and agreed between the State of New York and the Town of North Salem, the State Department of Highways shall raise the roadway and the sidewalk to the grades indicated on said plan and herein determined and provided for, and if necessary reconstruct all drainage structures embraced within the limits of the elimination area, at its own cost and expense; and that the Town of North Salem shall at its own cost and expense reconstruct the grades of all of the roads connecting with the easterly approach to the undergrade crossing, and provide new sidewalk facilities where those now in existence are to be destroyed by the work performed by the State Department of Highways in its work of grade revision.

604 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5696]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of ELMIRA WATER, LIGHT AND RAILROAD COMPANY for permission and approval, pursuant to sections 55 and 69 of the Public Service Commissions Law, to issue \$222,000 of its 5 per cent fifty-year gold bonds under its first consolidated mortgage, to construct a plant for manufacturing, mixing, and distributing gas; and for the establishment, pursuant to sections 66 and 72 of the Public Service Commissions Law, of a schedule of rates for the sale and distribution of the gas so manufactured and mixed. Also in the matter of the amended and supplemental petition of the Elmira Water, Light and Railroad Company for leave to issue \$350,000 of its 5 per cent fifty-year gold bonds under its first consolidated mortgage.

The Commission has made two orders in this case: one dated May 29, 1917, relating to the fixing of rates for gas in Elmira; and the other dated June 7, 1917, in respect to the sale of certain bonds. Pending the time when the petitioner could ascertain whether or not it was possible to sell the securities which it proposed to issue pursuant to the order of June 7, 1917, it has withheld its acceptance of the two orders above mentioned. It has now advised the Commission that it is unable satisfactorily to dispose of its bonds, and further that the cost of the proposed new gas plant would so far exceed the estimates that it would not be justified in building the plant at the present time. Request is now made for an extension of time within which to accept said orders; and a stipulation has been filed with the Commission, duly executed by counsel for the petitioner and the corporation counsel of the City of Elmira, consenting that the time within which such acceptance shall be given may be extended indefinitely. Under the circumstances it seems proper that the Commission should grant the request, and it is therefore

Ordered: That the acceptance by the petitioner herein of the orders hereinbefore mentioned be and the same hereby is postponed until otherwise ordered by the Commission.

[Case No. 5797]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of A. F. WILLIAMS of Corning *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking that loaded freight cars, consigned to him, coming from other railroads, be delivered on the Tioga Avenue sidetrack of said company in Corning.

The Commission having heretofore on July 26, 1917, made an order herein and the respondent having filed a petition for rehearing, now after consideration of said petition it is

Ordered: That said petition for rehearing be and the same hereby is denied.

[Case No. 5991]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to an alteration in location of a crossing of the Buffalo, Rochester and Pittsburgh railway and the Salamanca-Ellicottville, part 2, county highway No. 1509, in the town of Great Valley, Cattaraugus county.

Under the petition herein it is desired by the State Department of Highways to so re-locate a part of the Salamanca-Ellicottville, part 2, county highway No. 1509, in the town of Great Valley, Cattaraugus county, that its line shall cross the tracks of the Buffalo, Rochester and Pittsburgh railway at a new location approximately 1500 feet south of where this highway now crosses said railroad at grade. It appears that the highway at present crosses the railroad on a very sharp skew and that the views on the railroad by users of the highway are obstructed, and accordingly the petition of the State Department of Highways dated April 19, 1917, alleges that public safety requires an alteration in the manner of crossing. Upon this application, after proper notice to all parties in interest, a public hearing as required by law was held by this Commission at Jamestown on June 28, 1917, due proof of publication of such notice and of personal service thereof on property owners being of record. At this hearing appeared John S. Rockwell for the Buffalo, Rochester and Pittsburgh Railway Company, F. A. Hermans for the State Commission of Highways, J. E. Chase for the Town of Great Valley, and Alexander Bird for the County of Cattaraugus. There was no opposition to the project which is generally shown upon a plan marked Exhibit No. 1 introduced in the evidence.

It appears that there are only two property owners who will be affected by the change, their consent to such change having been filed at the hearing. The consent of the town board of the Town of Great Valley and an order from the town superintendent of highways providing for a closing of a portion of the existing highway and the change proposed in the petition were also filed. It appears from the evidence that the proposed change in location of the crossing will provide better views of the railroad for users of the highway and that favorable approach grades will be assured. The Commission is convinced that public safety will be increased by the proposed change, and it is therefore

Ordered: That the existing grade crossing of the Buffalo, Rochester and Pittsburgh Railway by the Salamanca-Ellicottville, part 2, county highway No. 1509, in the town of Great Valley, Cattaraugus county, be closed and discontinued, and that highway travel be diverted therefrom to a new crossing of said railroad to be constructed at the grade of the railroad at a location about 1500 feet south of the existing grade crossing. The alignment of the highway shall be as shown upon a plan on file with this Commission marked exhibit No. 1. On the east side of the railroad the grade on the new highway beginning at the point of change in alignment shall descend by means of a short grade of about 0.56 per cent merging by vertical curve about 150 feet long to a grade ascending toward the tracks of about 3.28 per cent; on the west side of the railroad the grade of the new highway shall be approximately level for about 150 feet, thence ascend toward the north at the rate of about 0.7 per cent.

The new highway shall be constructed in accordance with plans and specifications, including width of embankment, character, width and depth of pavement, railings, culverts, etc., to correspond with the specifications adopted for the improvement of the rest of this highway.

[Case No. 6004]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of BENFORD MANUFACTURING COMPANY of Mt. Vernon *against* WESTCHESTER LIGHTING COMPANY as to "Rider to adjust high-tension demand rate to changes in the price of coal".

The complainant in this case having notified the Commission under date of August 7, 1917, that the matters in dispute between it and the respondent have been satisfactorily adjusted, and it appearing to the Commission that the case may properly be closed, it is

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed upon the records of the Commission.

[Case No. 6120]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 14th day
of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of LESTER H. RILEY of
Central Valley *against* ERIE RAILROAD COMPANY as
to discontinuance of certain passenger trains.

The company answered this complaint, stating that the proposed change in
schedule of trains Nos. 351 and 186, the trains in question, on the Newburgh
branch, was not made; it is therefore

Ordered: That this complaint is hereby closed on the records of the Com-
mission.

[Case No. 6137]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 14th day
of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY
under sections 89, Railroad Law, and 53, Public Ser-
vice Commissions Law, as to construction of additional
tracks of its railway in the city of Dunkirk.

The New York Central Railroad Company now has four main line tracks
from Buffalo to Cleveland, except for a short distance in Ohio where there are
three with a fourth under construction, and through the city of Dunkirk where
there are only two main line tracks. The greater part of the existing construc-
tion through Dunkirk is through West Third street in said city at grade.
North of the present tracks there are certain sidetracks. It desires to build a
third track north of its present main line track and connecting with said side-
tracks so as to form with said sidetracks a continuous third main line track.
It also desires to provide additional sidetracks to take the place of those con-
verted into main line tracks, and to effect certain readjustment of its cross-
overs and its crossing of the lines of the tracks of the Erie railroad. To enable
such construction and operation thereof, after an affirmative vote at a public
meeting of taxpayers of the City of Dunkirk, the mayor and council, July 6,
1917, passed a resolution granting franchises as follows: "(1) To construct,
maintain, and operate a connection from the Erie Railroad track leading to
the docks upon East Front street and the shore of Lake Erie, into the present
northerly track of said The New York Central Railroad Company, at the inter-
section of East Third and Deer streets in said city; (2) to construct, maintain,
and operate an additional track north of and approximately 18.5 center from
the present north main track of The New York Central Railroad Company,
extending from a point just westerly from Robin street to and across Brigham
road, which said track would cross (if opened and graded for travel) Pike,
Mullett, and Trout streets, but said streets have not been established, opened,

or used across West Third street by The New York Central Railroad Company's right of way, and said track will pass under the overhead bridge located at Bass street, and will necessitate the partial reconstruction of said bridge by raising the north approach 15 inches on a grade parallel with its present grade, and will further necessitate the moving of an existing northerly track about 7 feet northerly of its present location at the center line of Bass street, said company being hereby granted the right to make such changes and to maintain and operate said track in said new location; (3) to construct, maintain, and operate a sidetrack north of and approximately 13 feet from the present northerly sidetrack in West Third street, from a point just west of Swan street to a point at or near the easterly line of Pike street, and at that point connecting with a sidetrack already constructed, which said track will cross Dove, Plover, and Robin streets; said streets are opened and used for public travel: this track would cross Pike street if it were opened at this point, but it is not opened there, and does not extend into the right of way of The New York Central Railroad Company; and at or near the easterly line of Pike street this track will connect with a sidetrack already constructed, and will cause a slightly changed location of said present sidetrack at this point, in order to secure proper connection with said existing sidetrack." The construction contemplated was to be in accordance with a blueprint attached. Copies of said resolution and blueprint are attached to the petition herein. A public hearing was held after due notice at the office of the Commission in the city of Albany August 8, 1917, at which Mr. Maurice Spratt appeared for the applicant, and there was no appearance in opposition. It is determined and stated that the construction of the tracks above described and the exercise of said franchises are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be and the same hereby are given to such construction substantially at the grade of the existing tracks, it not being practicable under present conditions that such tracks should be constructed over or under said West Third street or across the intersecting streets except Bass street which now crosses the existing tracks on an overhead bridge. (The applicant agrees to provide at its own expense any reconstruction of the Bass Street bridge necessary to permit the new construction and maintenance contemplated by the franchises.) The permission and approval of the Commission are also given to the exercise of said franchises, subject to all the terms and conditions thereof.

[Case No. 6150]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of INTERNATIONAL RAILWAY COMPANY for authority to issue \$300,000 in 5 per cent bonds under its refunding and improvement mortgage.

Petition filed August 2, 1917; report of the division of steam railroads dated August 10, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the International Railway Company is hereby authorized to issue \$300,000 face value of its 5 per cent 50-year refunding and improvement mortgage gold bonds under a certain indenture dated November 1, 1912, given to the Bankers Trust Company as trustee, to secure an authorized issue of a total face value of \$60,000,000.

2. That said bonds of the total face value of \$300,000 shall be sold for not less than 85 per cent of their face value and accrued interest to give net proceeds of at least \$255,000.

3. That said bonds of the face value of \$300,000 so authorized, or the proceeds thereof to the amount of \$255,000, shall be used solely and exclusively for additional expenditures on the new extension of the railroad of the petitioner from Buffalo to Niagara Falls, which aggregate \$300,000, as set forth in exhibit A attached to the petition herein; or in the event of any necessary change or changes in the present plans of the petitioner, for expenditures on account of such extension other than those listed in such schedule which are properly capitalizable, in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Street Railroad Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of the proceeds realized from the sale of such bonds over the actual cost thereof shall be used for any purpose without the further order of this Commission.

4. That if the said bonds of a total face value of \$300,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$300,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the International Railway Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the International Railway Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds of the bonds herein authorized for the purpose specified herein and the account or accounts under the Uniform System of Accounts for Street Railroad Corporations to which such expenditures have been charged; (g) a summary showing the distribution by prescribed accounts of the expenditures during such period. In reporting under subdivision (g) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing the expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds thereof expended the report shall set forth such fact.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant

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hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6133]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 16th day of August, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

Petition of GENESEE LIGHT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct an electric plant in the incorporated village of Corfu, Genesee county, and for approval of the exercise of a franchise therefor received from the village.

The Genesee Light and Power Company having duly applied to this Commission, pursuant to section 68 of the Public Service Commissions Law, for approval of a franchise heretofore granted to it by the authorities of the incorporated Village of Corfu, Genesee county, New York, and for permission to construct an electric plant in said village pursuant to the terms of said franchise; and the said application having come on for a hearing before Commissioner Barhite at the office of the Commission at room 704, Iroquois Building, in the city of Buffalo, N. Y., on the 3rd day of August, 1917; and proof of due notice to all persons interested in said hearing having been made and filed; and said Genesee Light and Power Company having appeared by its attorney, E. S. Tucker, esq., of the city of Buffalo, N. Y., no one appearing to oppose; and this Commission having duly determined after said hearing that the construction of said plant and the exercise of the rights and privileges granted to said company by said Village of Corfu are necessary and convenient for the public service, it is

Ordered: That the franchise duly granted by the Village of Corfu, county of Genesee, New York, to the Genesee Light and Power Company on the 25th day of June, 1917, to construct, maintain, and operate the necessary plant in said village for using, distributing, and furnishing electricity for light, heat, or power to said village and the inhabitants thereof, be and the same is hereby approved.

Further Ordered: That said Genesee Light and Power Company be and it is hereby authorized and given permission to construct, maintain, and operate the necessary plant, poles, towers, wires, cables, conduits, subways, appliances, and structures in, through, upon, under, and across all of the streets, alleys, highways, and public ways of the said village of Corfu, for using, distributing, and furnishing electricity for light, heat, or power to said Village of Corfu and the inhabitants thereof, subject to the terms and conditions contained in the franchise granted by said Village of Corfu to said Genesee Light and Power Company on or about the 25th day of June, 1917.

Further Ordered: That said Genesee Light and Power Company shall not enter upon or construct any works in or upon any state or county highway which has been or may be improved under the provisions of the Highway Law except upon the approval of and under such conditions and regulations as may be prescribed by the State Commission of Highways.

Further Ordered: That the approval of the franchise granted to said Genesee Light and Power Company by the Village of Corfu is not a determination, nor does it imply a determination, that the rates mentioned therein are just or reasonable or that they are not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York.

[Case No. 3734]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

In the matter of the Complaint of NORTH SIDE GRANGE No. 1290 against THE LONG ISLAND RAILROAD COMPANY, asking for protection by gates to be operated each day between the hours of 7 a. m. and 7 p. m. of the crossing at grade of said company's railroad and the state highway leading from Port Jefferson to Patchogue, at the Port Jefferson station on the Long Island railroad.

Superseding
order.

On September 25, 1913, this Commission made an order directing The Long Island Railroad Company to establish flagmen at the Main Street or Coram Road highway grade crossing in Port Jefferson, to be stationed at said crossing during all hours of the day and night when trains, engines, or cars are being operated over said crossing, and in compliance therewith the company has maintained continuous flag protection at this crossing. By letter dated April 13, 1917, the company made application for a rehearing in the above matter, alleging that by reason of the extreme lightness of travel between 7 p. m. and 7 a. m. the services of a flagman were not required during that interval, and that said flagman could be more efficiently employed at some other point where additional protection appeared necessary. The letter also recited that because of the existing labor conditions it is difficult to secure flagmen, and for this additional reason it believed it unreasonable to continue the night flagman at Port Jefferson when he could be better used at some other point. A hearing was held July 24, 1917, at which a representative of the company appeared, but there were no appearances for the complainants. The company presented data in connection with the highway and railroad traffic over the crossing, and requested to be permitted to discontinue the night flagman. The highway in question is across-island improved state highway and is heavily traveled by automobiles and other vehicles, especially during the summer season. This travel is quite uniform throughout the day and until about 9 p. m., subsequent to which there is a marked decrease in the rate. The railroad travel is quite dense in the morning westbound between 5:30 a. m., and 9 a. m., there being six trains scheduled within that interval; eastbound, however, there is only one train. Inasmuch as the station building is directly east of the highway, and all these trains stop or originate at Port Jefferson, it appears that in moving over the crossing the westbound trains would be under control, and travelers on the highway would have ample opportunity to observe the condition of the tracks. It would seem, therefore, that the necessity for protection between the hours of 9 p. m. and 8:50 a. m. is limited, and that the night flagman could be discontinued. Now, therefore,

Ordered: That the Long Island Railroad Company be and hereby is directed to establish a flagman at the Main Street or Coram Road highway

grade crossing over its tracks in Port Jefferson who shall be on duty daily between the hours of 8:50 a. m., and 9 p. m.; that The Long Island Railroad require a member of the crew of each freight train switching over this crossing between 9 p. m. and 8:50 a. m. to protect said crossing during all the time such switching is being done; that The Long Island Railroad Company restrict the speed of all trains crossing the highway between 9 p. m. and 8:50 a. m. to a speed less than ten miles per hour; that the order of this Commission in this matter dated September 25, 1913, be and hereby is superseded.

[Case No. 5885]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of ERIE RAILROAD COMPANY under subdivision 10, section 8 of the Railroad Law, for consent to the issuance of a refunding and improvement mortgage for \$500,000,000.

Petition filed January 26, 1917; hearing held February 14, 1917; final form of proposed mortgage filed August 14, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized to execute and deliver to the Bankers Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its property and equipment, dated December 1, 1916, to secure an issue of refunding and improvement mortgage bonds to the aggregate amount of \$500,000,000 face value, which bonds are issuable in series and are to mature not later than December 1, 2000, the rate of interest, denominations, etc., thereof to be expressed in the bonds of such particular series, a copy of which indenture has been filed with the Commission, and that the form thereof so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as hereafter authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

[Case No. 6045]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of ABRAHAM WERNER against NEW YORK TELEPHONE COMPANY, asking that a coin-box public telephone be installed in his confectionery and soda water store at No. 84 Avenue B, New York city.

Complaint having been made by Abraham Werner against the New York Telephone Company, asking that a coin-box public telephone be installed in his confectionery and soda water store in New York city; and the respondent having thereafter agreed to install the service desired, such installation having actually taken place, it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 6071]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the SUPERVISOR OF THE TOWN OF PORTLAND, Chautauqua county, against THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY as to laying additional track at the Onthank Road highway crossing.

The matter at issue in the above entitled proceeding having been settled in a manner satisfactory to the complainant and defendant, it is

Ordered: That the above entitled proceeding be and the same is hereby closed upon the books of the Commission.

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[Case No. 6105]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

Petition of "PINE PLAINS ELECTRIC LIGHT COMPANY"
(F. W. Munch and M. L. Munch) under section 68,
Public Service Commissions Law, for permission to
construct in the town of Pine Plains, Dutchess county,
an electric plant, including poles, wires, conduits, and
appurtenances, for transmitting and furnishing to the
public electricity for light, heat, or power; and for
approval of the exercise of rights and privileges under
a franchise to use highways and public places received
from said town.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by F. W. Munch and M. L. Munch proposing to do business under the name "Pine Plains Electric Light Company," for permission to construct in the town of Pine Plains, Dutchess county, an electric plant for transmitting and furnishing to the public electricity for light, heat, or power; and for approval of the exercise of rights and privileges under a franchise therefor received by said company from said town; and public notice of the pendency of said petition having been published in the *Pine Plains Herald* and *Pine Plains Register*, newspapers published in said town; and a public hearing on said petition, after due notice, having been held by Commissioner Emmet in the city of New York on August 17, 1917; and there being no opposition manifested to the granting of this petition; and this Commission hereby determining from the papers that such construction and exercise of franchise are necessary and convenient for the public service, it is

Ordered: 1. That this Commission, under section 68 of the Public Service Commissions Law, hereby permits and approves construction by F. W. Munch and M. L. Munch, proposing to do business under the name "Pine Plains Electric Light Company" in the town of Pine Plains, Dutchess county, of an electric plant, including poles, wires, conduits, and appurtenances, for transmitting and furnishing to the public electricity for light, heat, or power; and hereby permits and approves the exercise by said F. W. Munch and M. L. Munch of rights and privileges under a franchise to use all of the highways and public places of said town for constructing therein said poles, wires, conduits, and appurtenances, received by them under the name "Pine Plains Electric Light Company" from the town board of said town, a copy of which franchise granted January 31, 1917, certified by the clerk of said town to be a true copy, is filed with this Commission with the papers in this case.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 6114]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of JOSEPH J. GATLEY under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of White Plains, it being proposed that the route shall also be operated to Valhalla.

Joseph J. Gatley having secured from the White Plains municipal authorities a so called franchise or permit for the operation of a stage route between the northern line of White Plains and a point near the center of the city, has applied to this Commission for a certificate of public convenience and necessity for the proposed route, the northerly terminus of which is at Valhalla, outside the city limits. It appears that on March 20, 1917, a similar certificate was issued to Lewis R. Fisher of North White Plains, N. Y., to operate a bus line over precisely the same route which Mr. Gatley has selected, and upon the same time schedule which Mr. Gatley says he intends to follow. Since procuring this certificate it appears that Mr. Fisher has faithfully discharged his obligation to supply the public with adequate service. He operated cars last Winter on this route at a loss, feeling that if he was to be permitted to conduct his line during the summertime with protection against ruinous competition it was his duty to maintain during the lean months a schedule upon which the public could depend. The testimony in this proceeding shows that if Mr. Fisher is now compelled to meet competition from Mr. Gatley's proposed line it will probably not be possible for him in the future to adhere to his present timetable. He states that in the event of competition he will, in order to make a living from his cars, have to utilize them, to some extent at least, in other ways, and to depend partly upon picking up casual fares in other portions of the city. Mr. Fisher has two buses in service at the present time. He has purchased a third, which is to be held in reserve as an emergency conveyance, or regularly operated in conjunction with the other two if the business should warrant it. These buses are modern in type, convenient in design, and are seldom, if ever, even in summertime, taxed to their full carrying capacity. A number of Mr. Fisher's regular patrons have informed the Commission that in their opinion there is not enough business for two competing lines to be maintained successfully on this route, and that the facilities which Mr. Fisher now offers are entirely adequate for the needs of the neighborhood. Under these circumstances the Commission does not feel that it would be to the interest of the public which travels by auto bus between Valhalla and White Plains that the existing service should be demoralized by subjecting it to competition from Mr. Gatley's proposed line. In the opinion of the Commission, neither line would prosper if that condition of affairs were to be permitted. The public which is now being served by Mr. Fisher's line would in that event get very much poorer service from the two unsuccessful enterprises than it gets at present from one which is enjoying tolerable prosperity. For these reasons the Commission has decided, and it is hereby

Ordered: That the petition of Joseph J. Gatley, under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of White Plains, it being proposed that the route shall also be operated to Valhalla, be and the same hereby is denied, and that this case be closed upon the records of the Commission.

616 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6136]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of August, 1917.

Present:

**WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.**

In the matter of proposed location of new station building of THE DELAWARE AND HUDSON COMPANY, whether at Beekmantown or at Spellmans, Clinton county.

Appearances: John E. MacLean for The Delaware and Hudson Company; Patrick J. Tierney for parties desiring the location of new station at Spellmans; John H. Booth for parties favoring location of station at East Beekmantown. The passenger and freight station of the petitioner at East Beekmantown, Clinton county, N. Y., was destroyed by fire in the year 1912 and has not been re-built. The railroad company notified this Commission in June of the present year that it proposed to erect a new station on the site of the old one at East Beekmantown, but before doing so it desired the advice of the Commission as to the proper location of said station inasmuch as requests had been received from some of the residents of the town of Beekmantown to locate the station at a point known as Spellmans, and from other residents of the town asking that the new station be placed on the site of the old one at East Beekmantown. A hearing was held at the courthouse in the city of Plattsburgh on August 3, 1917, for the purpose of hearing such evidence as the various parties might present with respect to the merits of the two locations. East Beekmantown, referred to in the timetable of the railroad company as Beekmantown, has been an agency station on the Champlain division of The Delaware and Hudson Company for many years. Since the fire in 1912, an old car has been used for the accommodation of the public for freight and passenger purposes. Spellmans is also named in the timetable as one of the stops of the railroad company, but it is only a flag station, and nothing but carload freight is handled at that point and through the agent at East Beekmantown or Plattsburgh. The East Beekmantown station is located a short distance from the state road running north from Plattsburgh to Montreal, and the place known as Spellmans is more than a mile away from this state road, so that people intending to travel on the railroad and living west of the railroad have a better highway to travel upon if they come to East Beekmantown than they would if obliged to come to Spellmans. The territory in and about Spellmans and east of the railroad is a sparsely settled farming country, while there is quite a population in the vicinity of the station at East Beekmantown and extending along the state highway to the hamlet of Beekmantown. The only building in the vicinity of the crossing at Spellmans is a hay barn which is located at that point. The passenger traffic in and of itself is of little consequence at either station, as the revenue from that source is very small. The parties who urge that the station be located at Spellmans base this upon the amount of freight which is shipped at that point and the greater convenience that it would be to such shippers if the station were located there. Little or no freight is received at this place. A large amount of farm produce is shipped from Spellmans in carloads, principally hay which comes from the eastern portion of Beekmantown in the section known as Point AuRoche. These shippers state that there is more or less inconvenience in making shipments at the present time due to the necessity of communicating with the agent at East Beekmantown or Plattsburgh and arranging with him for the placing of cars for loading and in getting their freight bills. However, for some time past practically all of the hay shipped from Spellmans has been handled by the Clinton County Dock and Coal Company, which has its principal office in Plattsburgh and is a large dealer in hay; in fact, it purchases the greater

portion of the hay which is available for the market in this vicinity. The people who ship hay from Spellmans at the present time and who are urging the location of the station at that point are not in the same position as they would be if they were unable to ship from this point but were obliged to haul their produce to some other station on the railroad which would be less convenient for them. Practically all the shipments now made at Spellmans are handled there through the Dock and Coal Company, so apparently the only benefit which would accrue to them if the new station were located at this point would be that they could obtain their freight bills direct from the agent at that point. However, inasmuch as they are turning practically all of their hay over to the Dock and Coal Company, this does not seem to be of much importance; and furthermore, that company is not before us asking for the location of a station at this point. The Dock and Coal Company, through its Plattsburgh office, makes arrangements with the agent of the railroad company at East Beekmantown for the handling of cars at Spellmans. None of this is done by the representative of the Dock and Coal Company direct from Spellmans.

So far as it appears in the record, there is no good reason why the new station which the railroad company proposes to build should be located at Spellmans rather than at East Beekmantown. Neither does the record show that any appreciable inconvenience would be caused by building the station at the latter place. On the other hand, nothing has been presented to us to show that any substantial portion of the community which has occasion to make use of the railroad facilities in the vicinity in question would be better accommodated by having a new station at Spellmans and discontinuing entirely the station at East Beekmantown. It is the view of the Commission, as it has been heretofore expressed, "that the location of a passenger station by a railroad company should be determined by it, as it is presumed to know best where such station should be located properly to serve the public". (*Residents of West Falls vs. B., R. & P. R. R. Co.*, 5 P.S.C., 2nd D., p. 332.) However, in the present case, inasmuch as the railroad company has appealed to the Commission to determine this location in view of the requests which have been presented asking that the station be located at another point, it seems proper for the Commission to act upon the application, and it therefore determines that the new station should be located at East Beekmantown, N. Y., upon a site to be selected by the railroad company, where the public may conveniently use such station for freight and passenger purposes.

[Case No. 6140]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

Petition of GEORGE JUENGST & SONS, under section 68, Public Service Commissions Law, for permission to construct an electric plant in the town of Somers, Westchester county, and for approval of the exercise of a franchise received from the town.

George Juengst & Sons, a copartnership composed of Charles A. Juengst and George Juengst, jr., ask for permission to construct an electric plant in the town of Somers, Westchester county, and for approval of the exercise of a franchise therefor. A public hearing was held at the office of the Commission in the city of Albany August 16, 1917, after due notice. There was no appearance in opposition to the application and the case was heard on the papers.

The applicants have for some years operated an electric plant in Croton Falls and vicinity. September 1, 1908, they received a franchise from the Town of Somers, and have apparently been operating to some extent in that town in ignorance of the necessity of an application to this Commission for approval of the exercise of such franchise. It is now desired to extend their system in the town of Somers. There is no other electric service in that town. It is determined and stated that the construction of said plant and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to George Juengst & Sons, under section 68 of the Public Service Commissions Law, to lay, erect, and construct suitable wires or other fixtures in, on, over, and under any and all of the streets, avenues, highways, and public places in said town of Somers for the conducting and distributing of electricity for the purpose of public and private lighting.

2. That the permission and approval of the Commission be given to said George Juengst & Sons to exercise the rights and privileges conferred by said franchise granted by the town board and highway commissioners of the Town of Somers September 1, 1908, subject however to all the terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

The approval of said franchise is not a determination, nor does it imply a determination, that the rates mentioned therein are just or reasonable, or that they are not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York.

[Case No. 6154]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day
of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of BUFFALO, ROCHESTER
AND PITTSBURG RAILWAY COMPANY under section 55,
Public Service Commissions Law, for authority to
issue \$1,500,000 in consolidated mortgage 4½ per
cent bonds.

Petition filed August 2, 1917; report of division of capitalization dated August 21, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Buffalo, Rochester and Pittsburgh Railway Company is hereby authorized to issue \$1,500,000 face value of its 4½ per cent 50-year consolidated mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of May, 1907, given to the Central Trust Company of New York as trustee, to secure an authorized issue of a total face value of \$35,000,000.

2. That said bonds of the total face value of \$1,500,000 may be sold for not less than 91¾ per cent of their face value and accrued interest to give net proceeds of at least \$1,370,625.

3. That said bonds of the face value of \$1,500,000 so authorized, or the proceeds thereof to the amount of \$1,370,625, shall be used solely and exclusively for the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets prior to

June 30, 1917, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation, \$1,501,941.19; amount unprovided for, \$131,316.19.

4. That if the said bonds of a total face value of \$1,500,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,500,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Buffalo, Rochester and Pittsburgh Railway Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Buffalo, Rochester and Pittsburgh Railway Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 4942]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of August, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE
HAMLET OF WEST FALLS, town of Aurora, Erie
county, *against* BUFFALO, ROCHESTER AND PITTSBURGH
RAILWAY COMPANY as to location of new station build-
ing proposed to be built.

Certain residents of the village of West Falls, in Erie county, New York, having by their attorney filed a petition with this Commission asking that the above entitled matter be opened for the purpose of hearing further evidence; and a hearing upon said petition having been had before Commissioner Barhite in the city of Buffalo on the 20th day of July, 1917, at which time Charles J. Staples, esq., appeared as attorney for the petitioners for the reopening; George Clinton, jr., esq., and C. S. MacDougall, esq., appeared as

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attorneys for the objectors to the new site; and Dr. N. P. Hinckley of West Falls, New York, represented city property owners and commuters; M. I. Doty, esq., and W. C. Holmes, esq., of West Falls, New York, appeared in person; Messrs. Havens and Havens, by W. F. Strang, esq., appeared as attorneys for respondent; and T. F. Brennan, esq., appeared as vice-president of respondent; and the allegations of the various parties having been heard at said hearing, and the matter considered by the Commission, it is

Ordered: That the application to open the above entitled matter for the purpose of hearing further evidence be and the same is hereby denied.

[Case No. 6035]

**STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.**

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of August, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

In the matter of the Complaint of H. B. SWARTWOUT, M. D., of Port Jervis, *against* PORT JERVIS TELEPHONE COMPANY as to rate charged for telephone in residence.

Complaint filed May 20, 1917; answer filed June 14, 1917; hearing held at the office of the Commission in the city of Albany, N. Y., August 13, 1917. Appearances: The complainant in person; Frank Lybolt for the respondent. The complainant is a practicing physician and surgeon in Port Jervis, N. Y. He has a telephone in his residence from which there is an extension running to his office. As a result, he is able to get telephonic communication over his house telephone either from his residence or his office, and is thus able to communicate with all points reached by and over the lines of the respondent. The rules and regulations of the respondent on file with the Commission provide that where there is an extension station in a business location, the business rate shall apply to the station with which the extension is connected. The complainant objects to this practice of the respondent and has brought the matter before the Commission. He asserts that the sole purpose in having the extension station running from the house to the office is so that calls for the house may be answered at the office when the members of his family are not at home. The telephone company does not dispute but what the complainant uses the telephone in this manner. The complainant asserts that inasmuch as there is a regular business telephone in his office that therefore it is unfair and unreasonable to make him pay the same rate for his residence telephone merely because there is an extension from the residence telephone to his office. The fact is, however, that the office telephone in question is contracted for in the name of the Port Jervis Hospital, of which the complainant is treasurer, and this telephone also serves the two associates of the complainant at this particular location. It can not therefore be said that he is an individual subscriber for this particular business telephone. By means of the extension telephone from the residence of the complainant to his office, he is able to call the telephone central at any time from his office. This gives him the use of the residence telephone as a business connection, and at the same time anyone else can use the other business telephone in the office contracted for by the Port Jervis Hospital, and in this way the complainant and his associates to all intents and purposes have two direct lines to the central office of the respondent. While it is undisputed that the complainant does not make use of his residence telephone in this way, yet the fact remains that it could be so used; and but for the rules and regulations of the respondent, a subscriber could get all the benefits of a business

telephone at a much lower rate than other subscribers. While the rule may work a hardship on some, yet it is necessary in order to prevent discrimination between the subscribers of the telephone company. It is some times difficult to make rules and regulations which will fit all the emergencies which may arise in a telephone business without being somewhat burdensome on some of the subscribers, and this is an illustration of that fact. So long as the telephone company has the rule in force against which the complaint is made, it is obliged to insist upon its observance. From all of the facts which have been presented to us in this case, we do not believe we would be justified in finding that it is an unreasonable requirement or that it should be changed. We are therefore unable to grant the relief which the complainant asks; and it is

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of this Commission.

[Case No. 6040]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of August, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

In the matter of the Complaint of ALFRED C. DAVIS AND OTHERS OF JAMESTOWN, under section 71 of the Public Service Commissions Law, against PENNSYLVANIA GAS COMPANY as to price of natural gas charged private consumers.

Alfred C. Davis and other residents of the city of Jamestown, New York, having filed a petition with this Commission asking this Commission to make an order requiring and directing the Pennsylvania Gas Company to reduce its charge to consumers of natural gas within said city of Jamestown to such a sum as will accord to such consumers gas service at a reasonable return for capital actually expended after appropriate and reasonable reservation out of the income for surplus and contingencies; and the City of Jamestown having by an order of this Commission been allowed to intervene and become a party to said petition; and the defendant, Pennsylvania Gas Company, having filed its demurrer to said petition upon the ground that the subject matter of the petition is interstate commerce over which subject this Commission has no jurisdiction to fix the rates or charges of said interstate commerce or commodity, and no authority or jurisdiction to require a hearing upon such rates or charges. After hearing Messrs. Fisher and Fisher, as attorneys for the defendant, Pennsylvania Gas Company, in support of said demurrer; and Messrs. Thrasher and Clapp, as attorneys for the original petitioners, and Cheston A. Price, esq., corporation counsel for the City of Jamestown, in opposition thereto, it is

Ordered: That the demurrer herein filed by the Pennsylvania Gas Company be and the same is hereby overruled, with leave to said company to answer within twenty days after the service upon it of a copy of this order.

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[Case No. 6122]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day of
August, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the INTERNATIONAL RAILWAY COMPANY under section 53 of the Public Service Commissions Law for permission to construct an extension of the railway in the town of Cheektowaga, Erie county, and for approval of the exercise of a franchise received from the town.

International Railway Company, a street surface railroad corporation, having duly made application to this Commission for the approval of a franchise heretofore granted to it by the authorities of the Town of Cheektowaga, Erie county, New York, and for permission to construct and operate its road in accordance with the terms of said franchise; and a hearing upon said application having been duly had before Commissioner Barhite at the office of the Commission in the city of Buffalo, New York, on the 3rd day of August, 1917, at which time the petitioner appeared by its attorney, James O. Moore, esq.; and the Town of Cheektowaga by William Brennan, esq., of the city of Buffalo, New York; and it appearing that the local authorities of the Town of Cheektowaga, Erie county, New York, did, on or about the 8th day of May, 1917, consent to the construction, maintenance, and operation by the International Railway Company of a double-track street surface railroad in and through certain avenues and roads in said town upon the terms and conditions therein named; and the petitioner having on or about the 31st day of May, 1917, filed with said town clerk of the Town of Cheektowaga its acceptance of the consent of the local authorities of said town; and it appearing that said petitioner has filed in each of the offices where its certificate of incorporation is filed a certificate of proposed extension of route; and due proof of due notice of publication of the time and place at which said petitioner would apply to the local authorities of the Town of Cheektowaga for permission to extend its road having been filed; and due proof of due publication of notice of hearing before this Commission having been made and filed; and this Commission having determined after said hearing from the records and proofs in the case that the exercise of the franchise or privilege granted to said International Railway Company by the local authorities of the Town of Cheektowaga is necessary and convenient for the public service, it is

Ordered: That the franchise granted to said International Railway Company by the local authorities of the Town of Cheektowaga on or about the 8th day of May, 1917, be and the same is hereby approved.

Further Ordered: That permission be and is hereby granted to International Railway Company to construct, maintain, and operate a double-track street surface railroad in and along Delevan avenue in the town of Cheektowaga, Erie county, New York, between the easterly city line of the city of Buffalo and the Pine Hill road, so called; thence northerly along said Pine Hill road to a point about 250 feet north of the north line of the Sugar road; also westerly from said Pine Hill road into and along said Sugar road to a point about 150 feet west of the west line of said Pine Hill road; together with the right to construct, maintain, and operate the track connections, switches, turnouts, and wyes through, upon, and along the avenues, streets, and public places above described, to be operated by the single overhead trolley system or motive power other than steam.

Further Ordered: That the approval of said franchise granted by the local authorities of the Town of Cheektowaga to the International Railway Company

is not a determination, nor does it imply a determination, that the rate of fare mentioned therein is just or reasonable, or that it is not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York.

Further Ordered: That said railroad shall not be constructed upon any portion of a state or county highway which has been or may be improved under the provisions of the Highway Law except upon the approval of and under such conditions and regulations as may be prescribed by the State Commission of Highways.

[Case No. 6149]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of August, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHTE,
Commissioners.

In the matter of the Petition of DUNKIRK STREET RAILWAY COMPANY, leased to Buffalo and Lake Erie Traction Company and operated by the receiver of the traction company, under section 184 of the Railroad Law, for approval of a declaration of abandonment of portions of the constructed route of said railway in the city of Dunkirk.

The Dunkirk Street Railway Company having made application to this Commission pursuant to section 184 of the Railroad Law for its approval of a declaration of abandonment of certain portions of its route in the city of Dunkirk, and a hearing having been duly had upon such application at the city of Dunkirk on the 9th day of August, 1917, at which time the petitioners appeared by Messrs. Kenefick, Cooke, Mitchell and Bass, its attorneys; and the City of Dunkirk by its attorney, Lyman P. Kilburn, esq., in support of said application; and the Merchants Exchange of Dunkirk and taxpayers and citizens of Dunkirk having appeared by their attorneys, Thomas J. Cummings, esq., and C. W. Woodin, esq., in opposition thereto,

Ordered: That the petition of the Dunkirk Street Railway Company, asking for the approval of the Public Service Commission to its declaration of abandonment, be and the same is hereby denied; and said railway company is hereby directed, within five days after service upon it of this order, to resume operation of cars over its tracks in the city of Dunkirk pursuant to the terms and conditions of a franchise granted to said railway company on or about the 18th day of June, 1906, by the said City of Dunkirk.

Further Ordered: That this proceeding shall remain open until the Dunkirk Street Railway Company may make application to this Commission, if and when it shall be so advised, for permission to offer further or different proof as to the necessity for the abandonment of its route named in the petition, such application to be made upon at least ten days' written notice to the Dunkirk Merchants Exchange.

Further Ordered: That the Dunkirk Street Railway Company shall within ten days after the receipt by it of a certified copy of this order notify this Commission whether the terms of this order are accepted and will be obeyed by it.

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[Case No. 6166]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of August, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of LEWISTON AND LAKE
ONTARIO SHORE POWER COMPANY under section 69,
Public Service Commissions Law, for authority to
issue \$10,000 in 6 per cent 10-year bonds under an
existing mortgage.

Petition filed August 10, 1917; report of division of capitalization dated
August 18, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Lewiston and Lake Ontario Shore Power
Company is hereby authorized to issue \$10,000 face value of its 6 per cent
10-year mortgage bonds under a certain indenture, deed of trust, or mortgage
dated the 1st day of October, 1913, given to the Niagara Falls Trust Company
as trustee, to secure an authorized issue of a total face value of \$50,000.

2. That said bonds of the total face value of \$10,000 may be sold for not
less than their face value and accrued interest to give net proceeds of at
least that sum.

3. That said bonds of the face value of \$10,000 so authorized, or the proceeds
thereof to the amount of \$10,000, shall be used solely and exclusively for
the discharge of bills and accounts payable outstanding at June 30, 1917, or
their renewals, aggregating \$9829.37; excess, \$170.63.

4. That if the said bonds of a total face value of \$10,000 herein authorized
shall be sold at such price as will enable the company to realize net proceeds
of more than that sum, no portion of the proceeds of such sale in excess of
\$9829.37 shall be used for any purpose without the further order of the Com-
mission.

5. That none of the said bonds herein authorized shall be hypothecated or
pledged as collateral by the Lewiston and Lake Ontario Shore Power Com-
pany unless any such pledge or hypothecation shall have been expressly
approved and authorized by this Commission.

6. That the Lewiston and Lake Ontario Shore Power Company shall for
each six months' period ending December 31st and June 30th file, not more
than thirty days from the end of such period, a verified report showing
(a) what bonds have been sold or otherwise disposed of during such period
in accordance with the authority contained herein; (b) the date of such sale
or disposition; (c) to whom such bonds were sold; (d) what proceeds were
realized from such sale; (e) any other terms and conditions of such sale;
(f) in detail the amount expended during such period of the proceeds of the
bonds herein authorized for the purposes specified herein. Such reports shall
continue to be filed until all of said bonds shall have been sold or disposed
of and the proceeds expended in accordance with the authority contained
herein, and if during any period no bonds were sold or disposed of or proceeds
expended the report shall set forth such fact.

7. That the authority contained in this order to issue bonds is upon the
express condition that the petitioner accepts and agrees to comply in good
faith with the provisions hereof; and before any bonds are issued pursuant
hereto and within thirty days of the service hereof the company shall advise
the Commission whether or not it accepts the same with all its terms and
conditions, and such order shall be of no force or effect until such accep-
tance has been filed.

Finally, it is determined and stated that in the opinion of the Commission
the money to be procured by the issue of said bonds herein authorized is

reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 2916]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of August, 1917.

Present:

WM. TEMPLE EMMET,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to changing from grade the crossing of the Rome, Watertown and Ogdensburg railroad (leased to and operated by The New York Central and Hudson River Railroad Company) and a highway known as state route No. 18, in the town of Lewiston, Niagara county.

Third
amendatory
order.

The State Commission of Highways, by I. J. Morris, secretary, having presented to this Commission under date of August 23, 1917, a communication requesting that concrete be approved for the pavement of the subway to be constructed in carrying out the Commission's order in the above entitled matter, and also that the railroad company's share of the cost of this pavement (between its right of way lines) be fixed at the lump sum of \$900, to be paid to said Highway Commission prior to the award of the contract by it for the construction of the pavement; and this proposed concrete pavement and the method of payment above mentioned having been approved by The New York Central Railroad Company as per its letter of August 21, 1917, to the State Commission of Highways, signed by G. W. Kittredge, chief engineer, a copy of which is on file with this Commission, it is

Ordered: That the order of this Commission of November 13, 1912, in the matter above entitled, be and the same hereby is amended by substituting for paragraph *g* the following:

g. The undergrade crossing and its approaches shall be paved with concrete and as otherwise provided in the amendatory order in the same matter dated 28th day of April, 1914. The share of the railroad company for its part of the cost of this pavement shall be \$900, to be paid to the State Commission of Highways prior to the award by it of the contract for the construction of said pavement.

[Case No. 5983]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of August, 1917.

Present:

WM. TEMPLE EMMET,
JAMES O. CARR,

Commissioners.

In the matter of the Petition of the BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$407,000 in first refunding mortgage 5 per cent thirty-year gold bonds under an existing mortgage, and \$174,100 6 per cent cumulative preferred stock.

Amendatory
order.

Petition filed April 20, 1917; report of division of light, heat, and power dated May 26, 1917; hearing held June 20, 1917; memorandum of division of

capitalization dated July 30, 1917; order entered July 31, 1917; supplemental petition filed August 25, 1917. By order herein dated July 31, 1917, the Binghamton Light, Heat and Power Company was authorized to issue, among other things, \$399,000 face value of its 5 per cent 30-year first refunding and improvement mortgage gold bonds and to sell the same for not less than 90 per cent of their face value and accrued interest, to give net proceeds of at least \$359,100, and to apply such proceeds toward the cost of extensions and improvements to its property and system as set forth in clause 4 thereof. By supplemental petition filed herein under date of August 25, 1917, the company states that it is unable to dispose of such bonds at the price at which they were authorized to be sold, and asks for an amendment of the order to authorize the sale of \$150,000 thereof for not less than 85 per cent of their face value. Now therefore, upon the foregoing record,

Ordered: That the order herein dated July 31, 1917, is hereby modified and amended to authorize the sale of \$150,000 face value of the 5 per cent 30-year first refunding and improvement mortgage gold bonds, therein authorized to be issued, for not less than 85 per cent of their face value and accrued interest, to give net proceeds of at least \$127,500 which shall be applied solely and exclusively toward the purposes enumerated in said order.

[Case No. 5997]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of August, 1917.

Present:

WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the ELMIRA WATER,
LIGHT AND RAILROAD COMPANY for authority to issue
\$600,000 in 5 per cent 50-year gold bonds under its
first consolidated mortgage.

Amendatory
order.

Petition filed April 25, 1917; report of division of light, heat, and power dated June 8, 1917; report of division of steam railroads dated July 17, 1917; report of division of capitalization dated July 30, 1917; order entered August 2, 1917; supplemental petition filed August 28, 1917. By order herein dated August 2, 1917, the Elmira Water, Light and Railroad Company was authorized to issue \$600,000 face value of its 5 per cent 50-year first consolidated mortgage bonds and to sell the same for not less than 92½ per cent of their face value and accrued interest, to give net proceeds of at least \$555,000, and to use the proceeds realized from their sales for the discharge of obligations outstanding at December 31, 1916, and for proposed additions and betterments during the calendar year 1917 as set forth in clause 3 thereof. By supplemental petition filed herein under date of August 28, 1917, the company states that it is unable to dispose of such bonds at the price at which they were authorized to be sold, and asks for an amendment of the order to authorize the sale of \$440,000 thereof for not less than 85 per cent of their face value. Now therefore, upon the foregoing record,

Ordered: That the order herein dated August 2, 1917, is hereby modified and amended to authorize the sale of \$440,000 face value of the 5 per cent 50-year first consolidated mortgage bonds, therein authorized to be issued, for not less than 85 per cent of their face value and accrued interest, to give net proceeds of at least \$374,000 which shall be used solely and exclusively for the purposes enumerated in said order.

[Case No. 6063]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of August, 1917.

Present:

WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

Petition of WILSON & Co., Inc., under section 53, Public Service Commissions Law, for permission to construct, and approval of a franchise from the City of Albany to construct (at grade), a single track siding in Jackson street and across Spencer street in said city.

Amendatory
order.

On application of The New York Central Railroad Company and Wilson & Co., Inc., it is

Ordered: That the fourth condition in the order of this Commission of August 8, 1917, in the above matter, be and it is hereby amended so as to read as follows:

4. That no locomotive engine or freight car or cars shall be moved on said siding between 7 a. m. and 7 p. m. of any day, except in case of emergency, the intention being that the siding shall not be used for moving locomotive engines or cars between said hours except in case of emergency, unless otherwise ordered by this Commission.

[Case No. 6163]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 29th day of August, 1917.

Present:

WM. TEMPLE EMMET,
JAMES O. CARR,
Commissioners.

Petition of SCHENECTADY RAILWAY COMPANY under section 53, Public Service Commissions Law, for permission to construct a second track in Rugby road, in the city of Schenectady; and for approval of the exercise of a franchise therefor received from the city.

A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by Schenectady Railway Company for permission to construct in the city of Schenectady a second track of its railroad, to be operated by the single overhead electrical trolley system, in a portion of Rugby road, and for approval of the exercise of a franchise therefor received from the city; and a public hearing on said petition, after due notice, having been held in the city of Schenectady on August 28, 1917; Naylor, Robinson and Maynard appearing for the petitioner, and no one else appearing; and this Commission hereby determining from the papers and hearing that such construction and the exercise of such franchise are necessary and convenient for the public service and will result in improvement of the street car service in the city of Schenectady, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves construction in the city of Schenectady by Schenectady Railway Company of a second track of its railroad, to be operated by the single overhead electrical trolley system, in Rugby road, from Wendell avenue to a point about midway between Lowell road and Greenwood boulevard, together with the necessary connections, switches, sidings, turnouts, and crossovers for the convenient working of said railroad; and hereby permits and approves the exercise by said company of a franchise for

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such construction granted to said company April 20, 1914, by the common council of said city, and approved by the mayor April 22, 1914, a copy of which franchise, certified by the clerk of Schenectady County and the clerk of said city to be a true copy, is filed with this Commission with the papers in this case.

[Case No. 5881]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the SCHENECTADY RAILWAY COMPANY's proposed new passenger fares and charges, and regulations and practices affecting such fares and charges.

The Schenectady Railway Company having filed with this Commission a passenger tariff supplement designated supplement No. 8 to P. S. C., 2 N. Y., No. 19, to become effective February 16, 1917, proposing therein new individual fares and charges, and regulations and practices affecting such fares and charges; and this Commission by its orders of January 25, 1917, April 12, 1917, and June 14, 1917, having suspended the effective date of said supplement and deferred the use of such new individual fares and charges and regulations and practices affecting same until April 15, 1917, June 15, 1917, and August 15, 1917, respectively; and the Schenectady Railway Company, under special permission of this Commission dated August 9, 1917, having canceled effective August 14, 1917, the said supplement No. 8 to its passenger tariff P. S. C., 2 N. Y., No. 19, it is

Ordered: That this case be closed upon the records of the Commission.

[Case No. 5966]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the SCHENECTADY RAILWAY COMPANY's proposed discontinuance of round-trip fares applying in both directions between Group 1 and Group 4 stations and stops on Troy division.

The Schenectady Railway Company having filed with this Commission a passenger tariff supplement designated supplement No. 10 to P. S. C., 2 N. Y., No. 19, to become effective May 10, 1917, proposing therein to eliminate all round-trip fares applying in both directions between Groups 1 and 4 stations and stops on Troy division of the Schenectady Railway Company's lines; and this Commission by its orders of April 12, 1917, and June 14, 1917, having suspended the effective date of said supplement and deferred the use of regulation eliminating said round-trip fares until June 15, 1917, and August 15, 1917, respectively; and the Schenectady Railway Company, under special per-

grade crossing over its tracks in Port Jefferson who shall be on duty daily between the hours of 8:50 a. m., and 9 p. m.; that The Long Island Railroad require a member of the crew of each freight train switching over this crossing between 9 p. m. and 8:50 a. m. to protect said crossing during all the time such switching is being done; that The Long Island Railroad Company restrict the speed of all trains crossing the highway between 9 p. m. and 8:50 a. m. to a speed less than ten miles per hour; that the order of this Commission in this matter dated September 25, 1913, be and hereby is superseded.

[Case No. 5885]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARB,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of ERIE RAILROAD COMPANY under subdivision 10, section 8 of the Railroad Law, for consent to the issuance of a refunding and improvement mortgage for \$500,000,000.

Petition filed January 26, 1917; hearing held February 14, 1917; final form of proposed mortgage filed August 14, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized to execute and deliver to the Bankers Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its property and equipment, dated December 1, 1916, to secure an issue of refunding and improvement mortgage bonds to the aggregate amount of \$500,000,000 face value, which bonds are issuable in series and are to mature not later than December 1, 2000, the rate of interest, denominations, etc., thereof to be expressed in the bonds of such particular series, a copy of which indenture has been filed with the Commission, and that the form thereof so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as hereafter authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

[Case No. 6045]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of ABRAHAM WERNER against NEW YORK TELEPHONE COMPANY, asking that a coin-box public telephone be installed in his confectionery and soda water store at No. 84 Avenue B, New York city.

Complaint having been made by Abraham Werner against the New York Telephone Company, asking that a coin-box public telephone be installed in his confectionery and soda water store in New York city; and the respondent having thereafter agreed to install the service desired, such installation having actually taken place, it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 6071]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of August, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the SUPERVISOR OF THE TOWN OF PORTLAND, Chautauqua county, against THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY as to laying additional track at the Onthank Road highway crossing.

The matter at issue in the above entitled proceeding having been settled in a manner satisfactory to the complainant and defendant, it is

Ordered: That the above entitled proceeding be and the same is hereby closed upon the books of the Commission.

North river, New York, N. Y.; Jay Street Terminal and Bush Docks, Brooklyn; and New York city, including lighterage within the free lighterage limits of New York harbor, to Constable, N. Y., be changed from 28 to 27½ cents per hundred pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Sup. No. 6 to P. S. C. N. Y. C. No. 2654, effective August 9, 1917.

No. 6700; Greenwich and Johnsonville Railway Company:

Ordered: That under its application therefor dated August 1, 1917, the Greenwich and Johnsonville Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a supplement to its freight tariff P. S. C., 2 N. Y., No. 390, and establish therein rate of 63 cents per 2000 pounds on Brick, in carloads, minimum weight as per Official Classification, from Johnsonville, N. Y., and Greenwich Junction, N. Y., to Greenwich, N. Y., Middle Falls, N. Y., Trionda, N. Y., and Thomson, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Sup. No. 10 to G. & J. P. S. C. No. 390, effective August 7, 1917.

No. 6701; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated August 3, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a freight tariff on Paving Stone, carloads, minimum weight 80,000 pounds, from Ilion, N. Y., to Lockport, N. Y., in connection with The New York Central Railroad Company, at rate of \$1.75 per 2000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1022, effective August 10, 1917.

No. 6702; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated August 3, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a freight tariff on Milk and Cream in cans, also bottled, in cases, from Bliss, N. Y., to Buffalo, N. Y., at rates specified in said application, which application is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by B., R. & P. P. S. C. No. 1354, effective August 10, 1917.

No. 6703; Orange County Traction Company:

Ordered: That under its application therefor dated August 3, 1917, the Orange County Traction Company be and is hereby authorized to file, effective not earlier than August 23, 1917, and on not less than five days' notice to the public and the Commission, a local freight tariff of class and commodity rates as superseding its tariff P. S. C., 2 N. Y., No. 14, filed to take effect August 23, 1917, reissuing the matter contained without change other than to provide third-class rate of 11.5 cents per hundred pounds instead of 115 cents per hundred pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 15, effective September 12, 1917.

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No. 6704; August 4, 1917; Hudson Navigation Company:

Ordered: That under its application therefor dated August 2, 1917, the Hudson Navigation Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission, a proportional freight tariff of class rates as canceling its tariff P. S. C., 2 N. Y., No. 124, filed to take effect August 2, 1917, reissuing the matter contained without change other than to transpose the rates to and from Albany, Troy, and Cohoes under class Rule 28, shown under heading "Rates including lighterage or transfer" and "Rates not including lighterage or transfer". This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6705; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated August 6, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a supplement to its freight tariff P. S. C., 2 N. Y., W. S. No. 1015, and provide therein that said tariff is to cancel tariff P. S. C., 2 N. Y., W. S. No. 9 instead of P. S. C., 2 N. Y., W. S. No. 19. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Sup. No. 1 to P. S. C. W. S. No. 1015, effective August 10, 1917.

No. 6706; Buffalo, Lockport and Rochester Railway Company:

Ordered: That under its application therefor dated August 6, 1917, the Buffalo, Lockport and Rochester Railway Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission, a supplement to its local and joint passenger tariff P. S. C., 2 N. Y., No. 226, establishing therein the regulation relative to redeemable duplex ticket receipts as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Sup. No. 4 to P. S. C. 226, effective August 16, 1917.

No. 6707; Buffalo, Lockport and Rochester Railway Company:

Ordered: That under its application therefor dated August 6, 1917, the Buffalo, Lockport and Rochester Railway Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission, a local freight tariff of carload class and commodity rates as canceling its tariff P. S. C., 2 N. Y., No. 19, and reissuing the matter contained except to provide commodity rates to apply on Gravel, and to reduce the rates on Cement and Sand from points to points taking reference No. 9, as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by B., L. & R. P. S. C. No. 23, effective August 14, 1917.

No. 6708; August 8, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, under notice to the public and the Commission not later than August 9, 1917, and under an effective date not earlier than August 9, 1917, a freight tariff on Locomotives, knocked down, machinery

parts boxed, carloads, minimum weight as per Official Classification, from Schenectady, N. Y., via the West Shore railroad, to Ravena, N. Y., at rate of three cents per hundred pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3329, effective August 9, 1917.

No. 6709; August 8, 1917; Electric Express Company:

Ordered: That under its application therefor the Electric Express Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and effective August 10, 1917, supplements to its tariffs P. S. C., 2 N. Y., Nos. 20, 21, and 22, which were filed to become effective August 10, 1917, and for the purpose of correcting errors make the changes set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplements Nos. 1 to P. S. C. Nos. 20, 21, and 22, effective August 10, 1917.

No. 6710; August 8, 1917; E. Morris, Agent:

Ordered: That under the application of August 8, 1917, of all carriers that have appointed E. Morris as agent to file in their name, place, and stead, tariffs and supplements thereto, the said agent and the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and west thereof); The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and west); and The New York, Chicago and St. Louis Railroad Company, individual carriers in whose behalf said application has been made, are hereby authorized to file, effective on or before August 15, 1917, supplements canceling the tariffs or supplements to tariffs now under postponement under special permission from this Commission, No. 6483, until September 30, 1917, and also canceling supplements to such tariffs which effected such postponement. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order in its I. & S. Docket No. 965, directed cancellation of said tariffs and supplements on or before August 15, 1917, as to their interstate application.

Completed by proper supplements filed by the carriers named.

No. 6711; August 8, 1917; The New York Central Railroad Company, for itself and various other carriers:

Ordered: That under the application dated August 7, 1917, of The New York Central Railroad Company for its lines east and west of Buffalo, N. Y., and Clearfield, Penna., including its leased lines the Boston and Albany and West Shore railroads; and on behalf of The New York, Chicago and St. Louis Railroad Company; Erie Railroad Company; The Pennsylvania Railroad Company; Lehigh Valley Railroad Company; The Delaware, Lackawanna and Western Railroad Company; New York, Ontario and Western Railway Company; The Delaware and Hudson Company; Buffalo, Rochester and Pittsburgh Railway Company; Boston and Maine Railroad (J. H. Hustis, temporary receiver); Rutland Railroad Company; The New York, New Haven and Hartford Railroad Company; Central New England Railway Company; The Long Island Railroad Company; South Brooklyn Railway Company; and The Staten Island Rapid Transit Railway Company, said carriers be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, supplements to or reissues of said carriers' commodity tariffs on manufactured

iron and steel articles, including pig iron and billets and articles taking same rates, applying in both directions between (a) Buffalo and Salamanca rate points and points west thereof, and (b) New York and Boston rate points and points taking arbitraries over New York or Boston rates, and to establish therein revised rates between points in the State of New York which will bear proper relation to the revised class rates applicable between points in the State of New York and to the revised interstate commodity rates that will be established on said articles effective August 20, 1917, under authority of the Interstate Commerce Commission's special permission No. 43,276, of date August 4, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by various schedules, effective August 20, 1917, filed by carriers named.

No. 6712; August 8, 1917; Erie Railroad Company (Line Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application therefor the Erie Railroad Company (line Buffalo, Salamanca, N. Y., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a tariff on Iron Ore, carloads, minimum weight 25 tons of 2240 pounds each, applying from East Buffalo, N. Y., to North Tonawanda, N. Y., at rate of 45 cents per 2240 pounds, said rate not to include dockage and handling charges. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Erie (East) P. S. C. No. 3796, effective August 15, 1917.

No. 6713; August 8, 1917; Schenectady Railway Company:

Ordered: That under its application therefor the Schenectady Railway Company be and is hereby authorized to file, effective not later than August 14, 1917, and on not less than one day's notice to the public and the Commission, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 19, for the purpose of canceling supplements Nos. 8 and 10 to said tariff which are under suspension until August 15, 1917; also supplement No. 12 to said tariff, which supplement effected such suspension in compliance with order of the Commission in cases Nos. 5881 and 5966, of date June 14, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Sup. No. 13 to P. S. C. No. 19, effective August 14, 1917.

No. 6714; August 8, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a supplement to its freight tariff G. O., P. S. C., 2 N. Y., No. 951, eliminating from the titlepage and from pages 2, 3, and 5 to 38 inclusive, "Dunkirk, Allegheny Valley and Pittsburgh R. R.," substituting therefor "New York Central R. R. (Line Buffalo, N. Y., Clearfield, Penna., and west)"; and also establish The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and west) as participating in said tariff as to New York state traffic under concurrence Form F 3, L. S. Series No. 39. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Sup. No. 1 to G. O., P. S. C. No. 951, effective August 20, 1917.

No. 6715; August 9, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's

notice to the public and the Commission, a joint freight tariff on Coke, in carloads, minimum weight 40,000 pounds, from Schenectady, N. Y., via Johnsonville, N. Y., to all stations on the Greenwich and Johnsonville railway at rate of \$1.30 per 2000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by D. & H. P. S. C. No. 3393, effective August 13, 1917.

No. 6716; August 9, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a tariff schedule on Silica Quartz Rock or Ore, in carloads, minimum weight 40,000 pounds, from The Glen, N. Y., and Thurman, N. Y., via Schenectady, N. Y., and the New York Central railroad, to Harriet, N. Y., at rate of \$2 per 2000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Sup. No. 14 to D. & H. P. S. C. No. 3301, effective August 15, 1917.

No. 6717; August 10, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a tariff schedule on Crushed Stone, carloads, minimum weight 60,000 pounds, from Chaumont, N. Y., to Constable, N. Y., at rate of \$1.84 per 2000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3343, effective August 13, 1917.

No. 6718; August 10, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a supplement to its freight tariff P. S. C., 2 N. Y., No. 1019, making the following corrections in rates shown in supplement No. 10: Rate reference No. 91, change first-class rate to read "20.5 cents"; Rate reference No. 250, change fifth-class rate to read "7.9 cents". This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 12 to P. S. C. No. 1019, effective August 29, 1917.

No. 6719; August 10, 1917; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application therefor the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) be and is hereby authorized to file, within thirty days from the date hereof and on not less than one day's notice to the public and the Commission, a supplement to its freight tariff P. S. C., 2 N. Y., No. 2981, as canceling said tariff, and referring for future rates to tariff P. S. C., 2 N. Y., No. 3791, supplements thereto or reissues thereof. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 8 to P. S. C. No. 2981, effective September 9, 1917.

No. 6720; August 11, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a freight tariff on Building Sand and Gravel, carloads, minimum weight 60,000 pounds, from Ogdensburg, N. Y., to Potsdam, N. Y., at rate of 58 cents per 2000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3357, effective August 17, 1917.

No. 6721; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and effective August 15, 1917, supplements to freight tariffs P. S. C., 2 N. Y., N. Y. C. No. 54, and The New York Central and Hudson River Railroad Company P. S. C., 2 N. Y., No. 14,135, adopted by The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east), for the purpose of canceling supplements Nos. 10 and 2 thereto respectively, which supplements are now under postponement until September 30, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by supplement No. 7 to P. S. C. No. 14,135, and supplement No. 16 to P. S. C. N. Y. C. No. 54; effective August 15, 1917.

No. 6722; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application therefor the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its class rate freight tariff P. S. C., 2 N. Y., No. 1246, canceling supplement No. 21 to said tariff, and making no changes except to correct the effective date shown on pages 9, 10, 11, and 12 in said supplement from February 23, 1915, to a date not earlier than five days from the date of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 22 to P. S. C. No. 1246, effective August 20, 1917.

No. 6723; August 15, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. 3114, and establish therein a rate of \$1 per 2000 pounds to apply on Crushed Stone, carloads, minimum weight marked capacity of car but in no case less than 40,000 pounds, from Cobleskill, N. Y., via Sidney and the New York, Ontario and Western railway, to New Berlin Junction, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Sup. No. 32 to P. S. C. No. 3114, effective August 20, 1917.

No. 6724; August 14, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a tariff schedule establishing a rate of 12.6 cents per hundred pounds to apply on Silicate of Soda, carloads, minimum weight as per Official Classification, from Gardenville, N. Y., to Glenfield, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3359, effective August 22, 1917.

No. 6725; August 14, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

This special permission not used.

No. 6726; August 14, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

This special permission not used.

No. 6727; August 14, 1917; Bath and Hammondsport Railroad Company:

Ordered: That under its application therefor the Bath and Hammondsport Railroad Company be and hereby is authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. 38, such supplement to cancel said tariff and refer for future rates to tariff P. S. C., 2 N. Y., No. 40. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 3 to P. S. C. No. 38, effective August 29, 1917.

No. 6728; August 17, 1917; Lehigh Valley Railroad Company:

This special permission not used.

No. 6729; August 17, 1917; Central New York Southern Railroad Corporation:

Ordered: That under its application therefor the Central New York Southern Railroad Corporation be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule providing for a rate of 13 cents per forty-quart can to apply on Milk, in carloads, minimum carload 100 forty-quart cans, from stations on its line to Ithaca, N. Y., the points from which said rate is to apply to be specifically named in the tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 44, effective August 24, 1917.

No. 6730; August 20, 1917; Schenectady Railway Company:

Ordered: That under its application therefor the Schenectady Railway Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and effective September 1, 1917, a local freight tariff of class and commodity rates, and a joint freight tariff of class and commodity rates in connection with the Hudson Valley Railway Company, and establish the rates and regulations set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. Nos. 4 and 5, effective September 1, 1917.

638 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

No. 6731; August 20, 1917; Hudson Valley Railway Company:

Ordered: That under application of the Hudson Valley Railway Company therefor, the Electric Express Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and effective September 1, 1917, a supplement to its tariff P. S. C., 2 N. Y., No. 22, canceling said tariff and referring to tariffs in which rates will hereafter be found; and the Hudson Valley Railway Company be and is hereby authorized to file, on same notice and under same effective date, a local freight tariff of class and commodity rates; said cancellation supplement and new local freight tariff shall respectively be as set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by Hudson Valley Railway Co. P. S. C. No. 24, and supplement No. 2 to Electric Express Co. P. S. C. No. 22; effective September 1, 1917.

No. 6732; August 21, 1917; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That for the purpose of correcting inadvertent omission in supplement No. 7 to its joint and proportional freight tariff of commodity rates. P. S. C., 2 N. Y., No. 583, the Boston and Albany Railroad (The New York Central Railroad Company, lessee), under its application therefor, be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to said tariff, changing the rates therein on manufactured iron and steel articles in first item on page ten thereof to read less carloads 25, carloads 21.5 cents per hundred pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 8 to P. S. C. No. 583, effective September 3, 1917.

No. 6733; August 20, 1917; R. N. Collyer, Agent:

Ordered: That under application therefor R. N. Collyer, agent for various carriers duly authorized to publish and file Official Classification, be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to Official Classification, his P. S. C., 2 N. Y., O. C. No. 44, establishing therein the specific rating on Military Impedimenta, etc., as set forth in said application, which application is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 16 to P. S. C. O. C. No. 44, effective September 3, 1917.

No. 6734; August 21, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.32 per 2000 pounds to apply on Crushed Stone, carloads, minimum weight 60,000 pounds, from Little Falls, N. Y., to Potsdam, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3367, effective August 25, 1917.

No. 6735; August 21, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 93 cents per 2000 pounds to apply on Ice, carloads, minimum weight 50,000 pounds, from Rensselaer Falls, N. Y., to Lisbon, N. Y., via Norwood, N. Y., and the Rutland railroad. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3353, effective August 30, 1917.

No. 6736; August 22, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 11.9 cents per hundred pounds to apply on Caustic Soda, carloads, minimum weight as per Official Classification, except that minimum weight when shipped in barrels will be 40,000 pounds, and when shipped in iron drums 50,000 pounds, from Suspension Bridge, N. Y., to stations on said railroad shown in said company's freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2919, taking index numbers 1, Wallabout Basin, N. Y., to 187, Castleton, N. Y., inclusive. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 8 to P. S. C. N. Y. C. No. 2919, effective August 27, 1917.

No. 6737; August 22, 1917; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application therefor The New York, New Haven and Hartford Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and effective September 1, 1917, a supplement to its passenger tariff P. S. C., 2 N. Y., No. 322, for the purpose of adding thereto the rules and regulations set forth in exhibit attached to said application, which application is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 322, effective September 1, 1917.

No. 6738; August 23, 1917; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application therefor the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a joint freight tariff establishing a rate of 95 cents per 2000 pounds to apply on Sand and Gravel, carloads, minimum weight 60,000 pounds, from Black Rock, N. Y., East Buffalo, N. Y., Buffalo Town, N. Y., and Buffalo Lake, N. Y., to all stations on the Arcade and Attica railroad via Attica, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3813, effective August 28, 1917.

No. 6739; August 23, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 26.3 cents per can to apply on Fluid Milk and Buttermilk, in less than carloads, from Mahopac, N. Y., to White Plains, N. Y., said rate to include free return of empty cans but will not include icing. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3350, effective August 29, 1917.

No. 6740; August 24, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a joint freight tariff establishing a rate of 13.7 cents per 100 pounds to apply on Sulphite Pulp and Woodpulp, carloads, minimum weight as per Official Classification, from Cadyville, N. Y., via Schenectady, N. Y., and the New York Central railroad to Black River, N. Y., Brownsville, N. Y., Carthage, N. Y., Dexter, N. Y., Felts Mills, N. Y., Fulton, N. Y., and Watertown, N. Y.; and via Rouses Point, N. Y., Rutland railroad, Norwood, N. Y., and the New York Central railroad to Canton, N. Y., and Potsdam, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3399, effective August 29, 1917.

No. 6741; August 24, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing the following rates, in cents per 2000 pounds, to apply on Slag, carloads, minimum weight 50,000 pounds, from Niagara Falls, N. Y., to New York state stations: Sanborn 42, Cambria 47, Lockport 47, Gasport 47, Middleport 53, Model City 42, Ransomville 42. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 2153, effective August 30, 1917.

No. 6742; August 25, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 53 cents per gross ton of 2240 pounds to apply on Limestone and Fluxing Stone, carloads, minimum weight 25 gross tons, from Gouverneur, N. Y., to Carthage, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3362, effective August 31, 1917.

No. 6744; August 24, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and effective not earlier than September 12, 1917, a supplement to its freight tariff P. S. C., 2 N. Y., No. 2697, changing Note 30 on page 3 of said tariff to read as follows: "Loaded cars weighing 132,000 pounds or over (including the weight of the car) must not be accepted for points on the Cincinnati Branch named, account that being the maximum weight which can be handled over the Tioughnioga River bridge between Cortland and McGraw, N. Y." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 4 to P. S. C. No. 2697, effective September 12, 1917.

No. 6745; August 24, 1917; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application therefor The New York, New Haven and Hartford Railroad Company be and is hereby authorized to file, without compliance with the requirements of Rule 9(h) of this Commission's Circular No. 55, and under an effective date not less than thirty days after filing, a supplement to its joint commodity freight tariff applying on Iron and Steel Articles, P. S. C., 2 N. Y., No. F-304, for the purpose of amending rates therein as set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as above stated, nor any of the provisions of the Public Service Commissions Law, nor does it convey or imply any approval of the rate changes to be effected by such supplement.

No. 6746; August 28, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated August 27, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than three days' notice to the public and Commission and effective not earlier than September 8, 1917, a passenger tariff of local and joint temporary excursion fares from stations on the West Shore railroad in New York state to Syracuse State Fair Grounds, N. Y., including one-way and round-trip fares between Syracuse, N. Y., and State Fair Grounds, N. Y., and one-way fares from State Fair Grounds to West Shore railroad stations west of Syracuse, N. Y., on account of New York State Fair, with a regulation governing the addition of fifty cents to adult tickets and twenty-five cents to half-fare tickets for admission to such fair when such admission is desired, the schedules of fares and the rules and regulations as to dates of sale, return limits, etc., to be as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6747; August 27, 1917; Eugene Morris, Agent:

Ordered: That under application of Eugene Morris, Agent, dated August 23, 1917, individual carriers in whose behalf said application has been made be and they are hereby authorized to file supplements, canceling on not less than three days' notice to the public and the Commission, schedules suspended by the Interstate Commerce Commission in its Investigation and Suspension Docket No. 1051, and now under postponement by authority of special permission of this Commission as to New York state traffic. This authority does

not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required; it is given in order that uniform charges and regulations may obtain as to New York state and interstate traffic.

Completed by supplement No. 7 to New York, Chicago, and St. Louis Railroad Co. P. S. C. No. 583; and supplements Nos. 5 to Pennsylvania Railroad Co. G. O. P. S. C. Nos. 916 and 923.

No. 6748; August 30, 1917; Schenectady Railway Company:

Ordered: That under its application therefor the Schenectady Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its local passenger tariff applying to Schenectady city car line and to interurban car line, P. S. C., 2 N. Y., No. 19, for the purpose of changing on page 10, section 8 of tariff, the east and west fare limits now shown as Stop No. 9, St. Davids Lane, to Stop No. 10, Morgan avenue (formerly Taylors); also changing the fares now reading 5, 5, 10, 15, 20, between St. Davids Lane and points in fare limit groups 1 to 5 inclusive, to read 5, 10, 15, 20, 25, respectively; and also changing fares between Taylors (now known as Morgan avenue) and points in fare limit groups 1 to 5 inclusive now reading 10, 5, 10, 15, 20, to read respectively 5, 5, 10, 15, 20. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 14 to P. S. C. No. 19, effective September 2, 1917.

No. 6749; August 30, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.26 per 2240 pounds to apply on Pig Iron, Mill Cinder (iron or steel), and Scale (iron or steel), in carloads, minimum weight as per Official Classification, from Charlotte, N. Y., via Troy, N. Y., and The Delaware and Hudson Company's railroad to Waterford, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3370, effective September 6, 1917.

No. 6750; August 30, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 99 cents per 2000 pounds to apply on Crushed Stone and Crushed Stone Screenings, carloads, minimum weight 60,000 pounds, from Pattersonville, N. Y., South Amsterdam, N. Y., and South Bethlehem, N. Y., via Rotterdam Junction, N. Y., and the Boston and Maine railroad to East Schaghticoke, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1032, effective September 7, 1917.

No. 6751; August 30, 1917; Erie Railroad Company (Line Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application therefor the Erie Railroad Company (line Buffalo, Salamanca, N. Y., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to apply on Manure, carloads, minimum weight 50,000 pounds, from Goshen, N. Y., and establish rates in cents per 2000 pounds to New York state stations as follows: Ramapo, Hillburn, Sterlington, and Sloatsburg, 63; Oxford Depot, 57. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3814, effective September 5, 1917.

644 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of September, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined under section 82 of the Railroad Law, as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modifications asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of the Bronx Parkway Commission as indicated by the signature of its principal assistant engineer, and by The New York Central Railroad Company as indicated by a letter dated August 24th from the manager of the Grand Central Terminal Improvements, upon a plan marked "Map 366-A," showing details of piers Nos. 1 and 2 for the viaduct to be constructed pursuant to the determination of this Commission dated December 16, 1915, in the matter above entitled; and upon the approval of the authorities of the City of Mount Vernon and Yonkers as indicated by the respective signatures of Edwin W. Fiske, mayor of the City of Mount Vernon, and D. F. Fulton, city engineer of Yonkers, it is

Ordered: That said plan be and it is hereby approved.

[Case No. 5390]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of September, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of FRANK F. GILLET under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Ithaca and in the city of Elmira, it being proposed that the route shall also be operated between the city of Ithaca and the city of Elmira.

Petition for approval of lease of certificate.

By order and amendatory order of May 16, 1916, and August 24, 1916, this Commission granted to Frank F. Gillett permission to operate a stage route

by auto-buses in the cities of Ithaca and Elmira as parts of a route to be operated between said cities. The grantee of the certificates now petitions the Commission for its consent to lease said certificates for a period of one year to Robert Brooks and Arthur Harris, who join in this petition. The consent of the common council of the City of Ithaca was granted August 3, 1917, and approved by the mayor August 4, 1917. The consent of the common council of the City of Elmira was granted July 16, 1917, and approved by the mayor on the same day. It is therefore

Ordered: That the consent of the Commission be and it hereby is given to Frank F. Gillett to lease for a period of one year to Robert Brooks and Arthur Harris all of the interest of said Frank F. Gillett in the certificates of public convenience and necessity granted by the Commission May 16, 1917, and August 24, 1917.

[Case No. 5467]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of September, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the SALMON RIVER POWER COMPANY for authority to issue, pursuant to section 69 of the Public Service Commissions Law, \$54,400 in par value of its 5 per cent 40-year gold bonds secured by its mortgage dated October 5, 1912; and of the SALMON RIVER POWER COMPANY and PULASKI ELECTRIC LIGHT COMPANY for consent, pursuant to section 70 of the Public Service Commissions Law, to the transfer by the Pulaski Electric Light Company to the Salmon River Power Company of the entire property, rights, privileges, and franchises of said Pulaski Electric Light Company; and for authority to the Pulaski Electric Light Company, pursuant to section 70, to acquire stocks and bonds of the Salmon River Power Company in exchange for said transfer. Also petition of the NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY for permission to guarantee said bonds of the Salmon River Power Company.

Third.
supplemental
order.

Petition filed March 9, 1916; report of division of capitalization dated May 9, 1916; petition of Niagara, Lockport and Ontario Power Company filed January 1, 1917; hearing held January 4, 1917; order entered January 9, 1917; supplemental petition filed January 8, 1917; report of division of light, heat, and power dated February 6, 1917; supplemental order entered February 15, 1917; hearing held March 5, 1917; report of division of light, heat, and power dated March 16, 1917; report of division of capitalization dated March 21, 1917; order entered March 22, 1917; second supplemental order entered March 28, 1917; statement containing allocation of fixed capital filed August 11, 1917.

In this matter, clause No. 7 of the order herein dated March 22, 1917, provided as follows:

"7. That the Salmon River Power Company shall allocate the cost to it, namely \$59,166.24, of the property, privileges, etc., of the Pulaski Electric Light Company and the \$15,500 cost of the "Box Property" herein authorized to be acquired, to the prescribed fixed capital accounts as required by Rule 23 of the Uniform System of Accounts for Electrical Corporations; a copy of

which allocation shall, within sixty days of the acquisition of such property, be submitted to and approved by this Commission."

Under date of August 11, 1917, the company submitted a statement containing the required detail of fixed capital. Now, therefore, upon the foregoing record, it is

Ordered: That the said distribution of the cost to the Salmon River Power Company of the property, privileges, etc., of the Pulaski Electric Light Company and "Box Property," filed under date of August 11, 1917, is hereby approved, and the company is authorized and directed to spread upon its books the amount of the same among the appropriate accounts prescribed by the Uniform System of Accounts for Electrical Corporations, and to file within thirty days of the service of this order an affidavit of such fact, together with a copy of the journal entry making such distribution.

[Case No. 5663]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of September, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of FRANK F. GILLETT under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Ithaca, it being proposed that the route shall also be operated between Ithaca and the incorporated village of Watkins, Schuyler county.

Petition for approval of lease of certificate.

August 24, 1917, this Commission issued a certificate of public convenience and necessity to Frank F. Gillett for the operation of a stage route by auto buses in the city of Ithaca as a part of a route to be operated between Ithaca and the incorporated village of Watkins, Schuyler county. The grantee of the certificate now petitions the Commission for its consent to lease said certificate for a period of one year to Robert Brooks and Arthur Harris, who join in this petition. The consent of the common council of the City of Ithaca was granted August 3, 1917, and approved by the mayor August 4, 1917. It is therefore

Ordered: That the consent of the Commission be and it hereby is given to Frank F. Gillett to lease for a period of one year to Robert Brooks and Arthur Harris all of the interest of said Frank F. Gillett in the certificate of public convenience and necessity granted by the Commission August 24, 1917.

[Case No. 5964]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of September, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of SAMUEL G. TRACY, M.
D., of New York city, *against* NEW YORK TELEPHONE
COMPANY as to disputed number of local calls; that
itemized bills be furnished on request; that complain-
ant may elect to have a coin-box telephone furnished.

This matter having come on for a hearing before the Commission, and the
Commission having determined, for the reasons stated in the memorandum
accompanying this order, that the relief demanded by the complainant can
not at this time be granted by the Commission, it is hereby

Ordered: That this complaint be and the same hereby is dismissed and
that the case be closed upon the records of the Commission.

[Case No. 6139]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of September, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of ITHACA TRACTION CORPORATION under sec-
tion 53, Public Service Commissions Law, for per-
mission to construct an extension of its railway in
the incorporated village of Cayuga Heights; and for
approval of the exercise of a franchise received from
the village.

The Ithaca Traction Corporation applies under section 53 of the Public
Service Commissions Law for permission to construct an extension of its
railway in the incorporated village of Cayuga Heights, which immediately
adjoins the city of Ithaca, in Highland avenue, from a connection with the
present track of the company in Highland avenue to Cayuga Circle, a dis-
tance of about eight hundred feet; and for the approval of the Commission to
the exercise of a franchise therefor and for the line already laid in Highland
avenue, which franchise was granted by the trustees of the Village of Cayuga
Heights June 18, 1917, and approved by the president of the village June
29, 1917. While the franchise covers the proposed extension it also covers
the existing line in the village of Cayuga Heights. This portion of the line
was constructed under a consent granted by the Town of Ithaca prior to the
incorporation of the village, and prior to the enactment of the Public Service
Commissions Law, and for those reasons a new franchise was deemed
desirable. The franchise contains certain restrictions and conditions as to
matters within the authority of this Commission, and it was declared at the
hearing August 27th that such provisions were included as representing the
agreement of the company and the village as to what would be proper in
respect of the matters referred to at the present time, and were not intended
to infringe upon the authority of the Commission under the law.

At the hearing held August 27, 1917, at Ithaca, Professor C. T. Stagg,
president of the Village of Cayuga Heights, appeared in person; and Mr. H.
A. Clarke, general manager of the Ithaca Traction Company also appeared in

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person. Hon. Charles H. Blood appeared, representing a number of citizens of Cayuga Heights. There was no appearance in opposition. It is determined and stated that the construction of said extension and the exercise of said franchise are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission is given to Ithaca Traction Corporation, under section 53 of the Public Service Commissions Law, to lay a single or double track railway, with all connections, turnouts, switches, sidings, crossovers, poles, wires, and other appurtenances, upon Highland avenue, from the southerly boundary of the village of Cayuga Heights along Highland avenue northward, following the line of said Highland avenue to a point in said Highland avenue generally known as Cayuga Circle, at the junction of said Highland avenue with Hanshaw road, in accordance with the terms and provisions of the franchise aforesaid.

2. That the permission and approval of the Commission be given to said Ithaca Traction Corporation to exercise the rights and privileges conferred by said franchise, subject however to all the terms and conditions thereof.

[Case No. 6168]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of September, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

In the matter of the Complaint of RESIDENTS OF THE VILLAGE OF PEEKSKILL AND THE TOWN OF CORTLANDT, Westchester county, against PEEKSKILL LIGHTING AND RAILROAD COMPANY as to service rendered the public to Verplanck Point.

In the above matter, before the company answered, attorney complainants notified the Commission that "I beg to advise you that since the issuance of your order the schedule has been practically maintained as published by the company, and I have the written assurance from the president of this concern to the effect that the schedule as published will be maintained in the future"; and withdrew the complaint. Therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 6174]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of September, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,

Commissioners.

Petition of CLARENCE DeBOLT under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the cities of Geneva and Canandaigua, it being proposed that the route shall also be operated between said cities.

Clarence DeBolt asks for a certificate of convenience and necessity for the operation of a stage route by auto buses in the cities of Geneva and

Canandaigua as a part of a route to be operated between said cities. The consent of the municipal authorities of the City of Geneva was granted June 7, 1917, and of the municipal authorities of the City of Canandaigua July 20, 1917, subject to certain terms and conditions. A public hearing was held in Auburn August 29, 1917, at which the petitioner appeared in person and by N. D. Lapham, of Lapham & McGreevy, his attorneys; and Paul Folger appeared for The New York Central Railroad Company and the New York State Railways. It was stipulated at said hearing that no passengers would be carried from point to point within the city of Geneva, or within the city of Canandaigua, in such a manner as to offer competition within either of said cities with the New York State Railways, or the Geneva, Seneca Falls and Auburn railway. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Clarence DeBolt of an auto bus line as provided in the consents heretofore granted by the municipal authorities of the cities of Geneva and Canandaigua, copies whereof are attached to the petition herein, through Exchange street in the city of Geneva, and over and upon Main street South in the city of Canandaigua from a point at the foot of Canandaigua Lake to the point on Main street North at the intersection of East Gibson street, thence over and upon said East Gibson street to the corporate limits of said city of Canandaigua, but not to carry passengers from point to point within the city of Geneva, or within the city of Canandaigua, in such a manner as to offer competition within either of said cities with the New York State Railways or the Geneva, Seneca Falls and Auburn railway. This certificate is granted subject to all the terms and conditions of the consents hereinabove mentioned, and subject to present and future ordinances of the cities of Geneva and Canandaigua, and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Cases Nos. 5963, 6182]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY under section 55 of the Public Service Commissions Law for authority to issue 4½ per cent refunding and improvement mortgage bonds to the amount of \$10,000,000.

In the matter of the Application of THE NEW YORK CENTRAL RAILROAD COMPANY for leave to issue its 4½ per cent refunding and improvement mortgage bonds, Series A, to the amount of \$10,000,000; to issue and sell its promissory notes bearing interest at a rate not exceeding 5 per cent per annum, and to pledge as security for the payment of said notes said \$10,000,000 of bonds, and also \$10,000,000 thereof, the issue of which was authorized by order of the Commission granted April 26, 1917.

Papers filed in case No. 5963: petition filed March 30, 1917; report of division of steam roads dated April 20, 1917; hearing held April 20, 1917; report of division of capitalization dated April 20, 1917; order entered April 26, 1917. Papers filed in case No. 6182: petition filed August 28, 1917; hearing held September 5, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That The New York Central Railroad Company is hereby authorized to execute and deliver to the Guaranty Trust Company of

New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain trust agreement to be dated September 15, 1917, to secure an issue of two-year 5 per cent collateral trust gold notes, a copy of which indenture has been filed with the Commission herein; and that the form thereof so filed is hereby approved.

2. That upon the execution and the delivery of said trust agreement so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission.

3. That The New York Central Railroad Company is hereby authorized to issue \$15,000,000 face value of its two-year 5 per cent collateral trust gold notes to be dated September 15, 1917, and to be secured by the aforesaid trust agreement, which notes may be sold at such price as will net the company not less than 96 per cent of their face value and accrued interest, or \$14,400,000.

4. That said notes of the face value of \$15,000,000 so authorized, or the proceeds thereof to the extent of the net amount realized from their sale, viz. \$14,400,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of outstanding promissory notes dated March 7 and April 21, 1917, aggregating \$5,000,000 and \$4,500,000 respectively, or the renewals thereof, the proceeds of which were used for the purposes for which \$10,000,000 face value of bonds or their proceeds were authorized to be used by order in case No. 5963, dated April 26, 1917.....	\$9,500,000.00
(b) For expenditures made and to be made as authorized in clause 3 of the order in case No. 5963, dated April 26, 1917.....	500,000.00
(c) For expenditures made and to be made for additions and betterments as shown in an exhibit filed with the papers in this proceeding as follows:	
1. Expenditures to June 30, 1917.....	\$3,209,331.36
2. Proposed expenditures subsequent to June 30, 1917	6,790,668.64
	<u>10,000,000.00</u>
	<u>\$20,000,000.00</u>
Amount unprovided for.....	\$5,600,000.00

5. That The New York Central Railroad Company is hereby authorized to issue \$10,000,000 face value of its 4½ per cent refunding and improvement mortgage bonds, Series A, under a certain deed of trust or mortgage dated October 1, 1913, given to the Guaranty Trust Company of New York as trustee.

6. That The New York Central Railroad Company is hereby authorized to pledge under the trust agreement referred to in clause 1 of this order and as collateral security for the notes aggregating \$15,000,000 herein authorized to be issued, the \$10,000,000 of bonds of Series A the issue of which was authorized by order in case No. 5963, dated April 26, 1917, and the \$10,000,000 of said bonds the issue of which is authorized by this order.

7. That when said bonds pledged under said trust agreement as aforesaid, or any part thereof, shall be released or redeemed from said pledge they may be sold by The New York Central Railroad Company at such price as will net the company not less than 90 per cent of their face value and accrued interest, and the proceeds thereof to the extent of the net amount realized from their sale, viz. \$18,000,000, shall be used solely and exclusively for the following purposes:

(a) For the payment of an equal amount of said two-year 5 per cent collateral trust gold notes herein authorized to be issued to the aggregate amount of.....	\$15,000,000
(b) For the payment of the balance of expenditures remaining unprovided for by the sale of said notes, and referred to in clause 4 of this order, not exceeding.....	5,600,000
	<u>\$20,600,000</u>
Amount unprovided for.....	\$2,600,000

8. That clauses 2, 3, and 5 of the order in case No. 5963, dated April 26, 1917, are hereby modified so as to conform to and be consistent with the provisions of this order.

9. That The New York Central Railroad Company shall for each six months' period ending December 31st and June 30th file, not more than sixty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of or bonds pledged during such period in accordance with the authority contained herein; (b) the date of such sale or pledging; (c) to whom such securities were sold and with whom such bonds were pledged; (d) what proceeds were realized from such sale; (e) the principal of each loan for which such bonds are pledged; (f) the total face value of bonds which remain pledged as collateral security for said notes on the closing date of such period; (g) with respect to subdivisions (a) and (d) of clause 9 of this order there shall be shown in detail the amount expended of the proceeds of the securities herein authorized during such period; (h) with respect to subdivisions (b) and (c) of this order there shall be shown in detail the amount expended during such period of the proceeds of the securities herein authorized and the account or accounts under the Classification of Investment in Road and Equipment of Steam Roads to which the expenditures for such purposes have been charged, giving all details of any credits to road and equipment in connection with such expenditures, together with (1) a summary of the expenditures for such purposes during the period covered by the report; (2) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivision (h) of this clause, sections 1 and 2, there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended or bonds pledged the report shall set forth such fact.

10. That the authority contained in this order to issue securities and to pledge bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued or bonds pledged pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said notes and bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

652 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6053]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of Complaints against the ERIE RAILROAD
COMPANY as to discontinuance of passenger trains
on the Buffalo and Southwestern branch between
Jamestown and Buffalo; as to discontinuance of pas-
senger trains on the main line between Jamestown
and points east and west of Jamestown; and as to
discontinuance of passenger trains at Cuba, both east
and west.

Amendatory
order.

The respondent having moved for rehearing herein, and having subsequently
filed a petition asking that the case be reopened because of demands made by
the Federal government upon the respondent for passenger equipment and pas-
senger facilities in the movement of troops; and the matter having been the
subject of subsequent investigation by the Commission and negotiations with
the respondent, the respondent indicated its willingness to comply with the
previous order of the Commission provided the order should be so modified
as to require that train No. 222, or a train substantially on that schedule, be
restored on or before November 11, 1917; and it appearing that the passenger
equipment and passenger facilities of the respondent will be greatly taxed
until about that day owing to the demands of the Federal government, and
that on or about that day a general revision of the respondent's passenger
timetables will become effective, it is therefore

Ordered: 1. That ordering clause 1 of the order of the Commission dated
August 8, 1917, be amended so as to read as follows:

1. That the respondent, on or before November 11, 1917, place in service a
passenger train similar in character and approximately on the schedule of
train formerly known as No. 222, and that it continue its operation until fur-
ther order of the Commission.

2. That any party to this proceeding may on or before said date apply for a
modification of this order.

3. That the motions of the respondent for a rehearing and for a reopening
of the case be and the same hereby are denied.

[Case No. 6116]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of MRS. P. R. GATENS
against THE SUFFOLK LIGHT, HEAT AND POWER COM-
PANY, asking that the company extend its pole line
to furnish electric current to her residence at Good
Ground, L. I.

This case having come on for a hearing before the Commission on August
28, 1917; and the Commission after due consideration having reached the

conclusion that respondent's proposal for furnishing electric current to the complainant as set forth in respondent's letter to the Commission dated August 3, 1917, is under the circumstances a fair and reasonable one, and that the Commission would not be justified in directing the construction of the necessary extension of respondent's lines on the terms suggested by complainant; it is hereby

Ordered: That the respondent shall, if requested so to do by complainant within one month from the date of this order, furnish the complainant with electric current at her residence at Good Ground, L. I., upon the terms stated in respondent's letter to the Commission dated August 3, 1917; and that the case be and the same hereby is closed upon the records of the Commission.

[Case No. 6177]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of J. J. CORRIGAN AND
OTHERS *against* UNITED TRACTION COMPANY, asking
that its cars stop at the corner of Mohawk street and
Broadway, in the city of Albany, this stop having
been discontinued.

In this matter the company answered "we have, after due consideration, concluded to comply with the request of the petitioners and restore this car stop, which will be done within the next few days"; therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

654 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4108]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration as to the manner in which state highway No. 5346 crosses the tracks of the St. Lawrence and Adirondack divisions of the New York Central and Hudson River railroad about 0.6 mile north of Remsen station, in the town of Remsen, Oneida county, N. Y.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the Saw Mill highway and Phelps highway grade crossings of the tracks of the St. Lawrence and Adirondack divisions of the New York Central and Hudson River railroad, the Phelps highway crossing being located north and the Saw Mill highway being located south of the state highway crossing.

Ordered: That an intermediate accounting be entered into by The New York Central Railroad Company, the Town of Remsen, Oneida county, and this Commission, covering all expenditures as nearly as they may be determined, incurred to August 1, 1917, in carrying out the Commission's determinations in the above entitled matter.

[Case No. 5474]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY and SALMON RIVER POWER COMPANY under section 70 of the Public Service Commissions Law for consent to sale to the last named company of the Lyons Power Plant and property; and for consent to the lease (after the sale) of said property from the last named company to the first named company; also under section 70 for consent to the first named company to acquire capital stock of the last named company; also singly, by the Salmon River Power Company under section 69 of the Public Service Commissions Law for authority to issue common capital stock, mortgage bonds, and notes.

Petition filed March 14, 1916; report of electrical engineer dated April 13, 1916; supplemental petition filed April 15, 1916; hearing held April 20, 1916; order entered April 25, 1916. By order herein dated April 25, 1916, the Salmon River Power Company was authorized, among other things, to issue and sell, for not less than 85 per cent of their face value and accrued interest, 5 per cent 40-year first mortgage gold bonds aggregating \$987,500, and to use the proceeds realized from such sales for the acquisition of the Lyons Power Plant and property, and for additions to such property so to be acquired. It appears from verified reports filed herein in accordance with the requirements of said order that bonds of the total face value of \$980,000 have been sold, leaving an unissued balance of \$7500. In a petition filed in case No. 6196 under date of September 12, 1917, the Salmon River Power Company, among other things, states that the \$7500 face value of bonds which still remain unissued in case No. 5474 are no longer required for the purposes for which they were authorized to be used. Now therefore, upon the foregoing record,

Ordered: That the order herein dated April 25, 1916, is hereby modified and amended to authorize the issuance of \$980,000 face value of 5 per cent 40-year first mortgage gold bonds, and the use of the proceeds realized from the sale thereof at not less than 85 per cent of their face value and accrued interest for the purposes enumerated in said order; and the authorization contained in such order of April 25, 1916, to issue \$7500 face value of bonds in addition thereto and to use the proceeds thereof is hereby vacated.

656 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5900]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of SUBSCRIBERS IN THE TOWN OF ARGYLE, Washington county, *against* NEW YORK TELEPHONE COMPANY as to toll charges being recently imposed, and as to service.

This case having been duly heard by the Commission, and it having determined for the reasons set forth in the accompanying Opinion that a discrimination exists against certain subscribers of the respondent in the town of Argyle, and that the same should be removed forthwith; and it duly appearing that such discrimination has existed since November 15, 1916, by virtue of respondent's tariff P. S. C., 2 N. Y., No. 13-A, now on file with this Commission, which became effective on that date and which is still in effect, it is

Ordered: 1. That the New York Telephone Company be and it is hereby directed to remove, on or before September 30, 1917, the discrimination now existing against its subscribers in the Argyle central office district in respect to the ~~exaction~~ of toll charges to the Glens Falls and Hudson Falls areas.

2. That the said New York Telephone Company cancel its tariff P. S. C., 2 N. Y., No. 13-A, on or before September 30, 1917, and restore to subscribers in the town of Argyle unlimited service to the Hudson Falls and Glens Falls areas as the same existed prior to November 15, 1916.

3. That the New York Telephone Company notify this Commission in writing on or before the 30th day of September, 1917, if it accepts the terms of this order and will comply with the same in all respects.

[Case No. 6670]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MARION RAILWAY CORPORATION under subdivision 10, section 8, Railroad Law, for consent to issue a first mortgage for \$100,000; under section 55, Public Service Commissions Law, for authority to issue now \$50,000 in 5 per cent 25-year gold bonds to be secured thereby; also \$10,000 in preferred stock.

Supplemental
order.

Petition filed June 23, 1917; hearing held July 16, 1917; order entered July 18, 1917; supplemental petition (letter) filed September 14, 1917. Now therefore, upon the foregoing record,

Ordered: That the time in which the Marion Railway Corporation shall submit a copy of the entry recording upon its books the acquisition of the

property formerly belonging to the Newark and Marion Railway Company, as required by clause 9 of the order herein dated July 18, 1917, is hereby extended an additional sixty days.

[Case No. 6196]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the SALMON RIVER POWER COMPANY for authority pursuant to section 69 of the Public Service Commisisions Law to issue \$455,000 face amount of its 5 per cent forty-year gold bonds secured by its mortgage dated October 5, 1912 (being the remaining amount of unissued bonds secured by said mortgage); and the application of the Niagara, Lockport and Ontario Power Company for consent and authority to guarantee the said \$455,000 face amount of Salmon River Power Company bonds.

Petition filed September 12, 1917; hearing held September 12, 1917; report of division of light, heat, and power dated September 14, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Salmon River Power Company is hereby authorized to issue \$455,000 face value of its 5 per cent 40-year first mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated the 5th day of October, 1912, given to the Columbia-Knickerbocker Trust Company (now Columbia Trust Company) as trustee, to secure an authorized issue of a total face value of \$5,000,000.

2. That said bonds of the total face value of \$455,000 may be sold for not less than 80 per cent of their face value and accrued interest to give net proceeds of at least \$364,000.

3. That said bonds of the face value of \$455,000 so authorized, or the proceeds thereof to the amount of \$364,000, shall be used solely and exclusively for expenditures made and to be made for extensions, additions, and improvements to the steam generating plant of the petitioner at Lyons, N. Y., as detailed in exhibit A of the petition herein, as follows:

(a) General structures	\$1,500.00
(b) Power plant buildings.....	103,715.75
(c) Furnaces, boilers, and accessories.....	812,582.00
(d) Steam engines	146,275.00
(e) Electric generators	40,600.00
(f) Accessory electric power equipment.....	73,557.85
(g) Miscellaneous power plant equipment.....	23,875.00
(h) Engineering and superintendence.....	23,000.00
(i) Law expenditures during construction.....	1,500.00
(j) Miscellaneous construction expenditures.....	19,500.00
(k) Interest during construction.....	15,000.00
	<hr/>
	\$761,105.60

Amount unprovided for..... \$397,105.60

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivisions (a) to (k) inclusive hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss

properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of the proceeds realized from the sale of such bonds over the actual cost thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit A of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Electrical Corporations.

4. That if the said bonds of a total face value of \$455,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$455,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Salmon River Power Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Salmon River Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the bonds herein authorized for each of the purposes specified herein, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for each of such purposes during the period covered by the report. In reporting under subdivision (g) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the permission and approval of this Commission are hereby given to the Niagara, Lockport and Ontario Power Company to guarantee the punctual payment of the principal and interest of the \$455,000 face value of 5 per cent 40-year first mortgage gold bonds of the Salmon River Power Company herein authorized to be issued.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioners accept and agree to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said companies shall file with the Commission satisfactory, verified stipulations over the signatures of their presidents and secretaries accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulations shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is rea-

sonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6135]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR.
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ORANGE AND ROCKLAND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue preferred stock, or preferred stock and mortgage bonds.

Supplemental
order.

Petition filed July 18, 1917; report of division of light, heat, and power dated July 24, 1917; report of division of capitalization dated July 24, 1917; order entered July 26, 1917; statement of capital expenditures from January 1, 1916; to March 31, 1917, filed August 15, 1917; report of division of capitalization dated September 12, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Orange and Rockland Electric Company is hereby authorized to issue \$20,000 face value of its 5 per cent 20-year first and refunding mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 15th day of May, 1911, given to The Columbus Trust Company of the City of Newburgh as trustee, to secure an authorized issue of a total face value of \$500,000, and to sell such bonds at not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$18,000; or in the alternative said company is hereby authorized to issue \$18,000 par value of its 7 per cent cumulative preferred capital stock which may be sold at not less than its par value to realize proceeds of at least \$18,000; provided that said company may issue such portions of said bonds or stock authorized in this clause as may be necessary, but that in no case shall it issue securities which when sold at the aforementioned prices shall produce net proceeds of more than \$18,000.

2. That the Orange and Rockland Electric Company is hereby authorized to issue \$7500 par value of its 7 per cent cumulative preferred capital stock in addition to such stock as it may issue under the authority contained in clause 1 hereof, which may be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That said securities so authorized, or the proceeds thereof to the amount of \$25,500, shall be applied solely and exclusively toward the following purpose: For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets prior to December 31, 1916, not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation, \$25,500.

4. That if the said securities herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$25,500 no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Orange and Rockland Electric Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Orange and Rockland Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty

days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used during such period of the proceeds of the securities herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds used the report shall set forth such fact.

7. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the petitioner herein shall have been concluded, and corrections if any which are found necessary by reason of such examination shall have been made in the accounts of said company to the satisfaction of the Commission.

8. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6181]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman;
WM. TEMPLE EMMET;
FRANK IRVINE;
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners:

In the matter of the Petition of the incorporated VILLAGE OF ATTICA, Wyoming county, under section 68 of the Public Service Commissions Law for authority to maintain and operate for other than municipal purposes, as well as municipal purposes, an electric plant.

The incorporated Village of Attica, Wyoming county, New York, having made application to this Commission, pursuant to section 68 of the Public Service Commissions Law, for a certificate of authority to acquire and to maintain and operate the existing electric light plant, rights, franchises, and system of The Attica Water, Gas and Electric Company for the purpose of supplying said village and its inhabitants with electric light, heat, and power for municipal and private purposes. Said application having been heard before Commissioner Barhite at the Opera House in the village of Attica on the 11th day of September, 1917, at which time said village appeared by Willis E. Hopkins, esq., its attorney, and by D. F. French, esq., its president, and by David F. Wilder, esq., and John Matteson, esq., members of its board of trustees; and The Attica Water, Gas and Electric Company having appeared by Thomas A. Sullivan, esq., its president, and by Robert W. Harris, esq., its superintendent; and due proof having been filed that at a duly called

special election of the qualified electors of the Village of Attica, held on the 28th day of December, 1916, said village was duly authorized by a majority of the electors voting at said election to purchase and acquire the existing private lighting system in operation in the village of Attica, New York, owned by The Attica Water, Gas and Electric Company, together with all appliances and appurtenances used by said company in its said lighting business; and all natural gas pipe lines and the natural gas wells and all real and personal property owned by it, and used, intended to be used, or which might be used in its said lighting business; and all rights, franchises, leases, and privileges used, intended to be used, or which might be used by said company in the conduct and operation of the lighting business; at a cost not to exceed the sum of \$12,000, and to be free and clear of all liens, incumbrances, and debts; and said village having been duly authorized to issue bonds for the purpose of raising money in payment of said lighting system; and that thereafter and at a regular meeting of the board of trustees of said village held on the 11th day of June, 1917, the following resolution was adopted, namely: "Resolved, That the proposition of The Attica Water, Gas and Electric Company to accept \$12,000 for its lighting plant and appurtenances be accepted, subject to the approval of the Public Service Commission of the Second Department, and that W. E. Hopkins, village attorney, be authorized and instructed to take all necessary measures in preparing certified copies, exhibits, petition, etc., for Public Service Commission in acquisition of the lighting plant and appurtenances of The Attica Water, Gas and Electric Company, and that the president be authorized and instructed to verify petition."

Ordered: That a certificate of authority be and the same is hereby granted to the Village of Attica, Wyoming county, New York, to acquire, operate, and maintain the existing private lighting system in operation in the village of Attica, New York, owned by The Attica Water, Gas and Electric Company, together with all appliances and appurtenances used by said company in said lighting business, and all natural gas pipe lines and all natural gas wells; and all real and personal property owned by it and used, intended to be used, or which might be used in said lighting business; and all rights, franchises, liens, and privileges used, intended to be used, or which might be used by said company in the conduct and operation of the lighting business, for the sum of \$12,000, and to be free and clear of all liens, incumbrances, and debts, and to be used for the purpose of supplying said village and its inhabitants with electric light, heat, and power for municipal and other than municipal purposes.

Further Ordered: That said certificate of authority is not a determination, nor does it imply a determination, that the rates mentioned upon this application are just or reasonable, or that they are not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York.

662 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6190]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 19th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE LONG ISLAND RAILROAD COMPANY under sections 53 of the Public Service Commissions Law and 89 of the Railroad Law as to the construction of a new connecting track between the Montauk Division and the Manorville Branch, and as to the crossing of the South Country Road highway by said proposed track.

A petition under section 89 of the Railroad Law and section 53 of the Public Service Commissions Law having been filed with this Commission by The Long Island Railroad Company for a determination as to the manner in which a new track of its railroad connecting the Montauk division and the Manorville branch a short distance west of Eastport station proposed to be constructed shall cross the South Country Road highway, and for permission to exercise a franchise, when granted by the Supreme Court, under section 21 of the Railroad Law, permitting said crossing; and a public hearing on said petition, after due notice, having been held in the city of New York on September 14, 1917, at which L. J. Carruthers appeared for the petitioner; Joseph T. Losee appeared for the Town of Brookhaven; F. A. Hermans appeared for the State Commission of Highways; Peter Nostrand appeared for the County of Suffolk; and Riley P. Howell and Clarence E. Dare also appeared for the Town of Brookhaven; at which hearing the town and county authorities and the State Commission of Highways desired, and The Long Island Railroad Company agreed, that the proposed new connecting track should be built over the grade of the South Country Road, said road being a part of the state highway system; and on account of the establishment of the United States Training Camp known as Camp Upton, it having been shown that this proposed connecting track should be constructed immediately and with the greatest possible speed, thus making a permanent construction of the crossing at the present time impossible; and all parties having agreed to accept a temporary construction, which the railroad promised to replace at some future date at its own cost and expense with a permanent structure; and there being no objection to the granting of the petition, it is

Ordered: That this Commission hereby determines under section 89 of the Railroad Law that the new connecting track of the Long Island railroad proposed to be constructed between the Montauk division and the Manorville branch shall cross over the grade of the South Country Road highway upon a timber structure approximately 9 feet above the present road surface, and that the highway be depressed by the construction of an approach grade on the west side of the proposed intersection, descending easterly at the rate of 5 per cent a distance of approximately 400 feet, so as to provide a headroom of not less than 12 feet, from which point it shall continue to descend in an easterly direction at the rate of about 0.5 per cent to an intersection with the present road surface. The timber structure to be erected by the railroad company shall provide two openings, each not less than 12 feet in width, for the purpose of accommodating the highway traffic. The highway at the crossing and upon the approaches shall be surfaced with cinders which the railroad company has agreed to supply. The approaches to the proposed crossing shall be graded to a width of approximately 26 feet between center lines of side ditches.

This order is made upon the condition, agreed to by the railroad company, that no part of the cost of the construction work herein provided for shall

be chargeable to, be payable, or paid by the Town of Brookhaven, in which said proposed crossing is located, or the State of New York, and that the entire expense shall be borne by The Long Island Railroad Company.

This order is made upon the further condition that upon the improvement of this highway by the State Commission of Highways the structure herein provided for shall be removed and a permanent structure provided in accordance with plans to be approved by that department and this Commission. The cost of such permanent structure, together with all incidental land and damage costs if any, shall be paid by The Long Island Railroad Company, and no part thereof charged upon either the Town of Brookhaven, the County of Suffolk, or the State of New York.

The location of the proposed crossing and the alignment of the connecting track are shown upon a map on file with this Commission, said map being entitled "L. I. R. R. Plan of 'Wye' at Eastport, connecting Montauk Division and Manor Br."

Further Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves the construction of this connecting branch of the Long Island railroad from a point on the Montauk division of said railroad at Eastport to a point on the Manor branch of said railroad, a distance of about 2000 feet, and hereby permits and approves the exercise by The Long Island Railroad Company of a franchise or right granted it by an order of Mr. Justice Van Sicken of the Supreme Court dated September 17, 1917, to construct said connecting branch railroad across the South Country Road highway at Eastport, in the town of Brookhaven, Suffolk county.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in said city.

In the matter of the Application of JOHN MAHONEY and JOHN C. SWANSON, doing business under the name of Mahoney & Swanson, for an increase in the contract price of concrete (Class B).

Petition of Mahoney & Swanson for amendment of petition and rehearing.

The Commission having determined on July 3, 1917, as set forth in its Opinion of that date, that the additional allowance requested by the petitioners on their contract covering certain work in connection with the elimination of certain grade crossings in the city of Jamestown ought not to be made; and an application having been filed with the Commission on August 13, 1917, asking for a rehearing in this matter, and setting forth the grounds upon which the same is based, and that the petitioners be permitted to file an amended petition herein; and also asking that the Commission determine whether or not the price for Class B concrete mentioned in a proposed contract between the petitioners and the Erie Railroad Company is excessive; and such application for a rehearing having been duly heard by the Commission at its office in Albany, N. Y., on September 6, 1917, at which time the petitioners were represented by Frank H. Mott, and the Erie Railroad Company by D. E. Minard; and it appearing to the Commission after due delibera-

tion that such evidence as the petitioners now desire to introduce in this proceeding is not in the nature of newly discovered evidence of which the petitioners had no knowledge at the time the hearings were given by this Commission, but is merely cumulative; and the Commission being of the opinion that it ought not to permit an amended petition to be filed in this proceeding; and also that no cause has been shown why it should at this time, as requested in the application for a rehearing, make any determination as to whether or not the price for Class B concrete set forth in a proposed contract between the Erie Railroad Company and the petitioners is excessive, such price being higher than the price for such material in the contract now in force between said parties under which the work has been carried on for more than four years; and it also appearing from the records of the Commission that orders were made and entered by it on December 28, 1915, March 20, 1917, and June 21, 1917, approving partial accounting herein and authorizing the payment of substantial sums of money to the Erie Railroad Company by the State of New York and the City of Jamestown on account of the share of the expense to be borne by each of them respectively in connection with the elimination of grade crossings in the city of Jamestown; and that said orders covered expenditures made by the Erie Railroad Company to the petitioners herein for work performed by them to June 1, 1915, June 1, 1916, and October 1, 1916, respectively, in accordance with the provisions of the contract covering the same; and that no claim was made by anyone at the time said partial accountings were had to the effect that the payments so made to the petitioners were not to be considered as full payment for the work which they purported to cover; and that no notification was ever given to the Commission by any one prior to December 28, 1915, the date of the order approving the first partial accounting, that the petitioners intended to make any demand for an increase in the contract price for Class B concrete completed and in place or which might thereafter be completed in accordance with the terms and conditions of the contract, or that the petitioners did not consider themselves bound to furnish such concrete at the price and in accordance with all the provisions set forth in said contract; and in the judgment of the Commission sufficient reason for a rehearing not having been presented by the petitioners herein, it is

Ordered: That the application of the petitioners for a rehearing in this matter and for permission to amend the original petition herein be and the same is in all respects denied.

Commissioner Emmet voted in favor of granting the petition.

[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petitions of THE NEW YORK, LACKAWANNA AND WESTERN RAILWAY COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA, Erie county; and the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SLOAN, Erie county; for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and the village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

Ordered: 1. That the first accounting entered into by The Delaware, Lackawanna and Western Railroad Company with the Lehigh Valley Railroad Company, the Erie Railroad Company, and the Town of Cheektowaga, showing expenditures to the amount of \$36,986.71, exclusive of interest, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; the entire sum of \$36,986.71 having been expended by The Delaware, Lackawanna and Western Railroad Company; said accounting having been accepted by The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer, by the Lehigh Valley Railroad Company as indicated by the signature of its chief engineer, by the Erie Railroad Company as indicated by the signature of its assistant chief engineer, and by the Town of Cheektowaga as indicated by the signature of the town attorney.

2. That of the total amount of \$36,986.71 thus expended, and herein accounted for, the share of and the amount chargeable to The Delaware, Lackawanna and Western Railroad Company is the sum of \$12,603.60; the shares of and the amounts chargeable to the Lehigh Valley Railroad Company and the Erie Railroad Company as fixed by contract dated February 3, 1917, are the respective sums of \$2306.06 and \$2583.72; the share of the Town of Cheektowaga is the sum of \$9246.66; and the share of the State of New York is the sum of \$9246.67; said last mentioned sum of \$9246.67 to be paid by the State out of funds appropriated for the elimination of grade crossings.

666 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 3604]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the PENNSYLVANIA
AND ROCHESTER RAILROAD COMPANY under section
53 of the Public Service Commissions Law for per-
mission to exercise the right under section 24 of the
Railroad Law to change its route in the towns of
Caneadea and Belfast, Allegany county, N. Y.; also
under sections 89 and 94 of the Railroad Law as
amended by chapter 425 of the laws of 1913 as to
two highway crossings.

The work covered by the Commission's determination in the matter above
entitled having been entirely completed in accordance with the requirements
of said determination, and to the satisfaction of the local authorities and the
railroad company, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND
COMMON COUNCIL OF THE CITY OF OGDENSBURG under
section 91 of the Railroad Law for the elimination
of the Spring Street and Lake Street grade crossings
of the New York Central railroad in said city.

Ordered: That a third intermediate accounting and settlement of expenses
of The New York Central Railroad Company and the City of Ogdensburg
incurred on account of work now in course of progress under order of this
Commission in the above entitled matter be entered into by the respective
interested parties, said accounting to include expenditures to September 1,
1917.

[Case No. 5337]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of EDWARD S. AGOR against THE NEW YORK CENTRAL RAILROAD COMPANY, asking an order directing that said company start and run cars for the transportation of passengers and property at regular times over the Mahopac Falls railroad, and establish and maintain proper and necessary stations on said railroad.

By order made May 10, 1916, the respondent was directed to install passenger service between Mahopac Falls and Baldwin Place. The service required was practically the irreducible minimum accommodation for passengers on one train a day, with the right reserved to respondent to apply after one year for permission to discontinue the service upon showing that there is no longer any substantial demand therefor, or that equivalent service is or may be otherwise provided. Under this last provision the respondent has applied for leave to discontinue the service upon the ground that there is no substantial demand therefor. The matter is thus before the Commission for at least the seventh time. The respondent in its petition alleges that the average number of passengers a day during the year ending May 31, 1917, was 7.95, and the evidence practically supports that averment. The respondent contends that the earnings from passenger service on the Mahopac Falls branch was during the same period \$94.18. This calculation is based in part upon a mileage apportionment of earnings from through tickets, and no serious question can be raised either as to the amount or the method of apportionment. A large volume of evidence was introduced bearing upon the expense of passenger operation. Much of this evidence was very unsatisfactory in character. For example, an effort was made to charge the passenger service with \$47.99 for inspection of the car used for carrying passengers. The car is used on other lines during the day. The witness insisted that he charged but "four miles" against the Mahopac Falls branch, but he did not know where the car ran at other times, and the closest questioning failed to elicit any explanation affording a basis for the apportionment. Again it was sought to charge \$190.43 against the passenger service for maintenance of way, the total cost being \$720.10. This entire expense would have been incurred if no passengers had been carried, and the witness who made the apportionment apparently acted upon the theory that the passenger and freight operations were separate, whereas the passenger service is supplied by a combination car operated on a freight train when there are freight cars to carry. This combination car carries the l. c. l. freight when there is not so much of it as to require a separate box car. It would be impossible from an examination of the evidence, however critical, to reach any safe estimate of the cost of this passenger service. It is not necessary so to do. This is not a case for the consideration of theoretical costs, apportionments, and allocations. The common sense of the matter is that the train would run in any event for freight service; that the combination car is used largely for freight; and that the additional expense of using this car instead of a box car and probably a cabooses must be very slight. As the equipment and crews are used elsewhere during the day, and as the locomotive and crews would be used for the freight service, the additional expense must be negligible except on those occasions, apparently rare, when there is no freight whatsoever to move in either direction and when the train would, presumably, not run except for the passengers. An average of 7.95 passengers a day shows a substantial demand in view of

the character of the service and the inconsiderable additional expense. Efforts were made to obtain the names of passengers riding, apparently for the purpose of showing that the complainant and others bearing the same surname constituted a large proportion of the total number. Demand must be determined, however, not by the number of individuals, but by the number of passengers. From the operating standpoint it would make no difference whether ten men rode each way every day in the year, or whether there were ten passengers each way every day in the year, none of whom ever repeated the trip. It is

Ordered: That the petition for permission to discontinue such passenger service be and the same hereby is denied.

[Case No. 5448]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of J. ERNEST SPRAGUE under chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Batavia, it being proposed that the route shall also be operated between the incorporated village of LeRoy and the city of Batavia, Genesee county, and the village of Attica, Wyoming county.

Petition to transfer certificate.

This Commission having heretofore and on or about the 28th day of March, 1916, duly granted to J. Ernest Sprague of the village of LeRoy, New York, a certificate of public convenience and necessity for the operation of a motor bus line between the city of Batavia and the village of Attica, Wyoming county; and said J. Ernest Sprague, Henry C. Wilson, and Myron A. Russell, all of the village of LeRoy, New York, having duly filed a petition with this Commission asking that this Commission give its consent to the transfer of said certificate of convenience and necessity from the said J. Ernest Sprague to the said Henry C. Wilson and Myron A. Russell; and the application to said Commission having come on to be heard at the city of Rochester, New York, on the 22nd day of September, 1917; and said J. Ernest Sprague having appeared in person and by George W. Watson, esq., his attorney; and due proof having been filed that the mayor and common council of the City of Batavia heretofore and on or about the 12th day of September, 1917, duly consented to the transfer of said certificate of convenience and necessity from the said J. Ernest Sprague to the said Henry C. Wilson and Myron A. Russell, it is

Ordered: That the rights and privileges heretofore granted by this Commission to J. Ernest Sprague of the village of LeRoy, New York, by an order duly made on the 28th day of March, 1916, wherein and whereby this Commission certified that public convenience and necessity require the operation by said J. Ernest Sprague of motor vehicles or stage lines or routes as provided in and by said order be and the same are hereby transferred and assigned to Henry C. Wilson, esq., and Myron A. Russell, esq., of the village of LeRoy, Genesee county, New York.

Further Ordered: That said transfer is approved by this Commission upon the understanding that said Henry C. Wilson and Myron A. Russell shall be subject to and observe all the conditions and provisions contained in said certificate of necessity and convenience.

[Case No. 5814]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of the BOARD OF PUBLIC WORKS OF ROME under
section 90 of the Railroad Law for a determination
of how an extension of Fifth street in said city
shall cross the industrial branch of the New York
Central railroad in said city.

On account of the impossibility of securing paving brick required to carry
out the determination of the Commission in the matter above entitled, it is

Ordered: That the joint petition of the City of Rome and The New York
Central Railroad Company asking for the substitution of a bitulithic pave-
ment for a brick pavement be granted, and that the original order of April
10, 1917, be amended so that the last paragraph thereof shall read as follows:

"On each side of the new street there shall be reserved a 10-foot strip for
sidewalk purposes, and in the center of each strip there shall be constructed
a 4-foot wide concrete walk. The 30-foot wide roadway margined by curbs
shall be paved with a bitulithic pavement laid on a 5-inch concrete base.
The space between the rails of the tracks and for a distance of approximately
2 feet exterior thereto shall be planked for a width of 44 feet, as shown upon
plan exhibit A, heretofore referred to.

[Case No. 6040]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of ALFRED C. DAVIS
AND OTHERS of Jamestown, under section 71 of the
Public Service Commissions Law, against PENNSYL-
VANIA GAS COMPANY as to price of natural gas
charged private consumers.

The complainants in the above entitled proceeding having heretofore filed
their petition with this Commission asking that the respondent, Pennsylvania
Gas Company, be required to reduce its charge to consumers of natural gas
within the city of Jamestown; and said gas company having filed a demurrer
to said petition upon the ground that this Commission has no jurisdiction of
said proceeding; and due consideration having been had and said demurrer
having been overruled by the Commission, with leave to the respondent to
answer; and the respondent having thereafter filed with this Commission its
petition asking for a rehearing before the full Commission upon the issues
raised by the respondent's demurrer to the complaint, it is

Ordered: That the motion of the Pennsylvania Gas Company for a rehear-
ing before the full Commission in the above entitled proceeding be and the
same is hereby denied.

[Case No. 6051]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 53 of the Public Service Commissions Law for permission to exercise a right under section 24 of the Railroad Law to change its route in the cities of Tonawanda and North Tonawanda; and for approval of the exercise of franchises therefor received from said cities.

Amendatory
order.

For the purpose of correcting an alleged ambiguity in the order of this Commission duly made and entered herein on August 2nd last, it is

Ordered: That the said last mentioned order is hereby so amended as to read as follows:

"A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by The New York Central Railroad Company under date of May 29, 1917, for permission to exercise a right under section 24 of the Railroad Law, and for approval by this Commission of and for its consent to the exercise of a franchise granted to the petitioner corporation by the City of North Tonawanda under date of March 20, 1917, and of a franchise granted to the petitioner corporation by the City of Tonawanda under date of May 9, 1917, which said franchises provide generally for an alteration of the routes of said railroad corporation in and through the cities of Tonawanda and North Tonawanda, respectively; and a public hearing on said petition, after due notice given, having been held by this Commission, at which appeared Locke, Babcock, Spratt & Hollister for the petitioner, besides B. S. Voorhees, its engineer of grade crossings; Kenefick, Cooke, Mitchell & Bass for the Lehigh Valley Railroad Company; Cohn, Chormann & Franchot for the International Railway Company; E. D. Minard for the Erie Railroad Company; F. H. Millener for the City of Tonawanda; James P. Lindsay for the City of North Tonawanda; George O. Miller, chairman of the Board of Public Works of North Tonawanda; F. C. Butler, secretary of the Chamber of Commerce of the Tonawandas; and various property owners in person and by counsel, respectively; and evidence having been taken, and after due deliberation, this Commission having determined that the exercise of the rights and franchises mentioned and referred to is necessary and convenient for the public service and properly should be approved and authorized; and it having been further determined that in the construction of its new alignment as described and established in the aforesaid franchises the New York Central railroad shall incidentally and necessarily cross the tracks of the Erie Railroad Company and of the International Railway Company in the city of Tonawanda, and the tracks of the International Railway Company in the city of North Tonawanda; that the crossing of the Erie railroad and of the International railway each in the vicinity of East street in the city of Tonawanda, under the circumstances properly may be allowed to be made at grade, but that the other crossings of the International railway in both the cities of Tonawanda and North Tonawanda shall be overgrade; it is

Ordered: That this Commission, under section 53 of the Public Service Commissions Law, hereby authorizes and approves the exercise of the aforesaid franchises and rights, and each of them, granted to and conferred upon the petitioner corporation by the cities of North Tonawanda and Tonawanda respectively as aforesaid, and the right under section 24 of the Railroad Law to change its route as specified in said petition; and hereby determines that the

changed line of the petitioner corporation shall cross the tracks of the Erie Railroad Company and the tracks of the Lockport branch of the International Railway Company where said tracks respectively will intersect said changed line of petitioner in the city of Tonawanda at grade, and shall cross the tracks of the International Railway Company at Main street and Delaware avenue in the city of Tonawanda overgrade; and shall cross the tracks of the same company at Goundry street and at Sweeney street in the city of North Tonawanda overgrade: any proper apportionment among the three railroad corporations mentioned of the cost and expense of constructing and establishing such crossings and each of them respectively to be hereafter determined."

[Case No. 6175]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of the incorporated VILLAGE OF DERING HARBOR, Suffolk county, under section 68, Public Service Commissions Law, for authority to maintain, operate, and extend for other than municipal purposes, as well as municipal purposes, an electric plant; and petition of ISLAND REALTY COMPANY for consent to transfer said plant to the village.

Appearances: Frederick H. Tasker, attorney petitioners; Charles Lane Poor, village treasurer, and treasurer Island Realty Company; W. P. Pickhardt, village trustee, and vice-president Island Realty Company; Torrant Putnam, village president. A petition under section 68, Public Service Commissions Law, having been filed with this Commission by the incorporated Village of Dering Harbor, on Shelter Island, Suffolk county, for authority to maintain and operate for other than municipal purposes, as well as municipal purposes, an electric plant in said village; and a petition under section 70 of said law having been filed with this Commission by the Island Realty Company for consent to transfer to said village the electric plant in question; and a public hearing on said petitions, after due notice, having been held in New York city on September 21, 1917, at which both petitioners were represented and no one else appeared; and it appearing from the papers and hearing that the municipality is a fourth-class village which has been lawfully authorized to buy the plant in question; that the plant has been in operation for some years and is owned by the Island Realty Company which is willing to sell it to the village for about and not more than \$2000; that the plant is a small one, consisting of two engines bolted to generators, with switchboards and accessories, and a pole and wire line in the village streets; and that the village proposes to spend \$6500 in improving and extending it within the village limits; that no other public light and power plant exists in the village; and this Commission being satisfied that the petitions should be granted, it is

Ordered: 1. That under section 70, Public Service Commissions Law, this Commission hereby consents that Island Realty Company may transfer to the incorporated Village of Dering Harbor, Suffolk county, the works and system of the electric plant of said company located in said village for a price not to exceed \$2000.

2. That this Commission under section 68, Public Service Commissions Law, certifies that it hereby authorizes the incorporated Village of Dering Harbor,

Suffolk county, to maintain, operate, and extend within the limits of said village of Dering Harbor the works and system of the said electric plant thus to be acquired from the Island Realty Company, and to furnish electricity to the public therefrom for light, heat, or power for other than municipal purposes as well as municipal purposes.

3. That notwithstanding it appears in this proceeding that the trustees of the Village of Dering Harbor have fixed the rate to be charged the public for electricity at 15 cents a kw.h., this Commission does not pass upon such rate, the provisions of subdivision 5, section 66, Public Service Commissions Law, applying thereto.

4. That upon the consummation of said transfer the Village of Dering Harbor shall give this Commission notice of the date it is consummated.

Special Permission Tariffs, September, 1917.

No. 6752; September 1, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 63 cents per gross ton of 2240 pounds to apply on Limestone or Fluxing Stone, carloads, minimum weight 24 gross tons of 2240 pounds each, from Richville, N. Y., and Gouverneur, N. Y., to Lyons Falls, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3371, effective September 8, 1917.

No. 6753; September 4, 1917; Empire United Railways, Inc.:

Ordered: That under its application therefor the Empire United Railways, Inc., be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a local freight tariff establishing a rate of \$17 per car to apply on shipments of Manure in cars of 60 cubic yards or less from Lake Shore Junction, N. Y., to Stop 20, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 38, effective September 14, 1917.

No. 6754; September 4, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 84 cents per 2240 pounds to apply on Mill Cinder and Scale (iron or steel), carloads, minimum weight as per Official Classification, from Rome, N. Y., to Troy, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3377, effective September 12, 1917.

No. 6755; September 4, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, on not less than two days' notice to the public and the Commission, a local passenger tariff establishing a one-way fare of ten cents to apply between Syracuse, N. Y., and State Fair Grounds, N. Y., account of the New York State Fair to be

held from September 10 to 15, 1917, tickets for such travel to be on sale from and to said dates inclusive. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 544, effective September 10, 1917.

No. 6756; September 5, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$2 per cubic cord to apply on shipments of Blockwood, Cordwood, Cornerwood, Goose Necks, Kindling Wood, Listings, Log Butts, Mill Refuse, and Slabwood, in carloads, minimum 12 cubic cords, from New York state stations Bay Pond, Derrick, Dickinson Center, Downey, Helena, Iron-ton, Kildare, Le Boeuff, Meno, Nyando, St. Regis Falls, Santa Clara, Spring Cove, and Tupper Lake to Pine Camp, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3352, effective September 10, 1917.

No. 6757; September 5, 1917; Lehigh Valley Railroad Company:

Ordered: That under its application therefor the Lehigh Valley Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within sixty days from the date hereof, a local freight tariff on Iron Ore (ex-lake), in carloads, as canceling its tariff P. S. C., 2 N. Y., No. D-3369, and reissue the matter contained therein without change except to correct sub-caption in second column under caption "Dock Ore" on page 2 to read "Handling Charge, Rail of Vessel to Dock (See Note 3)" instead of "Handling Charge, Rail of Vessel to Car (See Note 3)." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6758; September 6, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.68 per 2000 pounds to apply on shipments of Slag, in carloads, minimum weight 50,000 pounds, from Carroll Street, Louisiana Street, Ohio Street, and Erie Street stations, Buffalo, N. Y., Black Rock, N. Y., East Buffalo, N. Y., Harriet, N. Y., and North Tonawanda, N. Y., to New York Mills, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1036, effective September 13, 1917.

No. 6759; September 7, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 53 cents per 2000 pounds to apply on shipments of Cinders, carloads, minimum weight 50,000 pounds, from Black Rock, N. Y., East Buffalo, N. Y., and Carroll Street, Louisiana Street, Ohio Street, and Erie Street stations, Buffalo, N. Y., to East Clarence, N. Y. This authority

does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3375, effective September 13, 1917.

No. 6760; Various Carriers:

Ordered: That under applications therefor the carriers and duly authorized agents named by the Interstate Commerce Commission in its orders of August 28, 1917, in Eastern Commodity Case (its Investigation and Suspension Docket No. 1125 and supplemental orders thereto), having the same tariff schedules enumerated in said orders likewise on file with this Commission under effective dates September 8, 1917, to October 1, 1917, inclusive, be and they are hereby authorized to file, without notice to the public and the Commission but prior to the effective date of said tariff schedules above referred to, supplements to said tariff schedules, for the purpose of postponing until December 30, 1917, the operation of all commodity rate schedules contained in said tariff schedules in so far as they effect increases in rates and charges, via all rail routes, except on the following named commodities, viz: Alcohol, Aluminum Household Ware; Aluminum, Sulphate of; Bark Extract; Battery Plates; Bleach; Cake, nitre; Calcium Chloride; Chloride of Calcium Liquor; Coal and Coke; Cotton Seed Foots; Depilatory, viz: Sodium Sulphide; Fertilizer Material (consisting of Waste or Refuse Feathers, Fur, Fur Pieces, Hair, Hoofs, Horns, Leather, Chamois Skin Scraps, and Wool); Grapes; Grain and Grain Products; Iron Ore, including pyrites and manganese ores; Iron and Steel Articles, including Manufactured Iron, Pig Iron, Blooms and Billets; Iron, Sulphate of (Copperas); Jellicate; Leather, Scrap; Lime, Phosphate of; Liquor, Chloride of Calcium; Live Stock; Lumber and Logs, mahogany; Lye, concentrated, dry; Concentrated spent Lye; Magazines (returned); Newspapers (returned); Meats, fresh and dressed; Oil, creosote; Oil, cotton seed; Oil, copra, palm and palm kernel; Oil, palm, refuse; Paper Filler; Petroleum and its Products; Packing House Products; Salt; Salt Cake; Salt, refuse; Rochelle Salts; Soda, acetate of; Soda Ash and all other Soda Products; Stone, rough and undressed, curbing, paving, and rubble stone, sawed flagging, sawed stone, not dressed ready for building; Stones, oil; Sugar, corn or grape; Tanks, iron and steel; Tanners, corn sugar; said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by issuance of supplements to the tariff schedules designated in said order, showing date of issue only; such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to tariffs filed by various carriers.

No. 6761; September 8, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of October 1, 1917, a supplement to its local and joint freight tariff on Milk, Skimmed Milk, etc., M. & C., P. S. C., 2 N. Y., No. 8, as canceling said tariff. Said supplement shall refer to the schedule in which rates now contained in its tariff to be canceled will be found on and after October 1, 1917, as shown in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required, and is given to permit the correction of a clerical error.

Completed by supplement No. 1 to M. & C. P. S. C. No. 8, effective October 1, 1917.

No. 6762; September 10, 1917; Central New England Railway Company:

Ordered: That under its application therefor dated September 10, 1917, the Central New England Railway Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within ten days from the date hereof, a commodity tariff in connection with The New York Central Railroad Company, applying on Green Apples, in barrels, boxes or crates; Peaches, Pears, and Plums, in less than carloads and in carloads, from stations on the Central New England railway, via Beacon, N. Y., to New York (33rd Street, 60th Street, 130th Street, Barclay Street, Desbrosses Street, and St. Johns Park), N. Y., such tariff to supersede tariff P. S. C., 2 N. Y., No. 693, and establish the rates as shown in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 701, effective September 15, 1917.

No. 6763; September 10, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East), the West Shore Railroad (The New York Central Railroad Company, Lessee), and The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West):

This special permission not used.

No. 6764; September 11, 1917; Schenectady Railway Company:

Ordered: That under its application therefor the Schenectady Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, supplements to its local freight tariff P. S. C., 2 N. Y., No. 4, and its joint freight tariff P. S. C., 2 N. Y., No. 5, for the purpose of eliminating from said local freight tariff rates applying to and from Saratoga, N. Y., and adding to said joint freight tariff rates on less carload traffic to and from Saratoga, N. Y., as per exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplements Nos. 1 to P. S. C. Nos. 4 and 5, effective September 13, 1917.

No. 6765; September 6, 1917; Penn Yan & Lake Shore Railway:

Ordered: That under its application therefor the Penn Yan & Lake Shore Railway be and is hereby authorized to file, on not less than ten days' notice to the public and the Commission, and under an effective date of October 1, 1917, a properly numbered supplement to its local tariff of passenger fares, P. S. C., 2 N. Y., No. 2, amending said tariff so that the fare for the transportation of a passenger between any two points within the limits of an incorporated city or village shall not exceed five cents per capita. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 2, effective October 1, 1917.

No. 6766; September 11, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor The Delaware, Lackawanna and Western Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of October 5, 1917, a supplement to its tariff of rules governing transit privileges on Seeds, in carloads, at Binghamton, N. Y., and Greene, N. Y., P. S. C., 2 N. Y., No. 2817, for the purpose of eliminating the first paragraph on page 2 of said tariff, and also the effective date as specified in Rule 11 on page 4 of said tariff. This authority does not waive any of

the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 2817, effective October 5, 1917.

No. 6767; September 12, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.05 per 2000 pounds to apply on shipments of Brick, carloads, minimum weight 50,000 pounds, from Syracuse, N. Y., to East Buffalo, N. Y., Black Rock, N. Y., and Louisiana Street station, Buffalo, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3387, effective September 17, 1917.

No. 6768; September 12, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated September 11, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff on Lumber Articles, in carloads, K. K., P. S. C., 2 N. Y., No. 252, changing the group letter "A" now shown in tariff as applicable on carload shipments of Posts (wooden), Fence, Grape and Pit; and on Rails (wooden), Fence and Mine, to read group letter "B." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required; and is given to maintain uniformity in so far as New York intrastate traffic is concerned with order of the Interstate Commerce Commission as established in its I. & S. Docket No. 1125.

No. 6769; September 12, 1917; Lehigh Valley Railroad Company:

This special permission not used.

No. 6770; September 12, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) for itself and various other carriers:

Ordered: That under application therefor dated September 11, 1917, the carriers subject to this Commission's jurisdiction be and they are hereby authorized to file, on not less than five days' notice to the public and the Commission, class rate schedules and commodity rate schedules taking percentages of class rates from points in New York state east of Buffalo and Salamanca to points in New York state west of Buffalo and Salamanca as may be necessary to avoid lower rates from and to such points than will be concurrently effective from Buffalo or Salamanca, as the case may be, to common destinations west thereof in New York state. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any rates that may be filed and established under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

No. 6771; September 13, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor dated September 13, 1917, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 90 cents per 2000 pounds to apply on shipments of Crushed Stone, in carloads,

minimum weight 60,000 pounds, from Cobleskill, N. Y., via Sidney, N. Y., and the New York, Ontario and Western railway to New Berlin Junction, N. Y. This authority does not waive any of the requirements of the Commission's regulations relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 34 to P. S. C. No. 3134, effective September 20, 1917.

No. 6772; September 13, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) for itself and other railroad companies operating in New York state:

Ordered: That under application therefor dated September 13, 1917, the carriers or duly authorized agents having on file with this Commission under effective dates of September 15, 1917, and September 18, 1917, the tariff schedules enumerated by the Interstate Commerce Commission in its order of August 29, 1917, in Eastern Live Stock-Fresh Meat Case (its Investigation and Suspension Docket No. 1124) or tariffs of similar application, be and they are hereby authorized to file, without notice to the public and the Commission but on or before effective dates of said tariff schedules, supplements postponing until January 13, 1918, the effective dates of said tariff schedules or parts of said tariff schedules. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by issuance of supplements to the said tariff schedules showing date of issue only. Such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff schedules amended thereunder.

Completed by proper tariff publications filed by various carriers.

No. 6773; September 14, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West) for itself and various other carriers:

Ordered: That under application therefor dated September 13, 1917, the carriers subject to this Commission's jurisdiction be and they are hereby authorized to file, on not less than five days' notice to the public and the Commission, such class rate schedules and commodity rate schedules taking percentages of class rates from points in New York state west of Buffalo and Salamanca to points in New York state east of Buffalo and Salamanca as may be necessary to avoid lower rates from and to such points than will be concurrently effective from Buffalo or Salamanca, as the case may be, to common destinations east thereof in New York state. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any rates that may be filed and established under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

No. 6774; September 15, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated September 15, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing the following rates in cents per forty-quart can to apply on shipments of Fluid Milk from Lowville, N. Y., Martinsburg, N. Y., and Glenfield, N. Y., to Middleville, N. Y.: Less than carloads, minimum 75 cans, 27.3; carloads, minimum 250 cans, 23.9. Said rates

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will not include icing but will include free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3388, effective September 17, 1917.

No. 6775; September 17; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated September 15, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 68 cents per 2000 pounds to apply on shipments of Crushed Stone, carloads, minimum weight 60,000 pounds, from Little Falls, N. Y., to Camden, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 9 to P. S. C. N. Y. C. No. 2328, effective September 24, 1917.

No. 6776; September 17, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated September 14, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.05 per 2000 pounds to apply on Sand, carloads, minimum weight 60,000 pounds, from Boonville, N. Y., via Utica, N. Y., and the Delaware, Lackawanna and Western railroad to Cedarville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3393, effective September 24, 1917.

No. 6777; September 17, 1917; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under application therefor dated September 17, 1917, the Boston and Albany Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file a supplement to its freight tariff P. S. C., 2 N. Y., No. 604, for the purpose of further postponing the effective date of supplement No. 1 to said tariff from September 22, 1917, until March 22, 1918. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as herein specifically stated; and is given in order that uniform charges and regulations may obtain as to New York state and interstate traffic, the Interstate Commerce Commission having, by order in its I. & S. Docket No. 1091, further suspended the effective date of said tariff supplement until March 22, 1918, as to interstate traffic.

Completed by supplement No. 8 to P. S. C. No. 604, filed September 17, 1917.

No. 6778; September 17, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated September 17, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, without notice to the public and the Commission but on or before September 20, 1917, supplements canceling, under an effective date of September 20, 1917, its freight tariffs P. S. C., 2 N. Y., Nos. 1352 and 1353; supplement No. 5 to P. S. C., 2 N. Y., No. 1048; and supplement No. 3 to P. S. C., 2 N. Y., No. 1295. This authority does not waive any of the require-

ments of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 6 to P. S. C. No. 1048; supplement No. 4 to P. S. C. No. 1295; supplement No. 1 to P. S. C. No. 1352; and supplement No. 1 to P. S. C. No. 1353; effective September 20, 1917.

No. 6779; September 15, 1917; Eugene Morris, Agent:

Ordered: That upon application therefor dated September 15, 1917, Eugene Morris, Agent, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission but effective not earlier than September 20, 1917, a supplement to his tariff of local, joint, and proportional rates on Petroleum and Petroleum Products, P. S. C., 2 N. Y., No. 33, correcting said tariff by the addition thereto of references to powers of attorney or concurrences of participating carriers on file with this Commission; and also by the addition of P. S. C., 2 N. Y., references to schedules governing said tariff as may be necessary to provide for proper application of tariff to New York intrastate traffic. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 33, effective September 25, 1917.

No. 6780; September 19, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated September 18, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its joint freight tariff G. O., P. S. C., 2 N. Y., No. 760, canceling thereby the items contained in supplement No. 18 to said tariff on pages 3 to 11 inclusive, issued to become effective September 1, 1917, and reestablishing the rates on the commodities named in such items in effect prior to September 1, 1917; other items not herein authorized to be canceled shall be reissued without change. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required; and is given in order that uniform charges and regulations may obtain as to New York state and interstate traffic, the Interstate Commerce Commission in its I. & S. Docket No. 1125 having suspended the effective date of rates applying on mine material.

Completed by supplement No. 20 to G. O. P. S. C. No. 760, effective October 3, 1917.

No. 6781; September 20, 1917; Middletown and Unionville Railroad Company:

Ordered: That under its application therefor of date September 14, 1917, the Middletown and Unionville Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission, a commodity freight tariff establishing on Sand, carloads, minimum weight 40,000 pounds, from Middletown, N. Y., to Johnsons, West Town, and Unionville, N. Y., the rate of 35 cents per ton of 2000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 34, effective October 2, 1917.

No. 6782; September 20, 1917; Boston and Maine Railroad (J. H. Hustis, Temporary Receiver):

Ordered: That under application therefor dated September 20, 1917, the Boston and Maine Railroad (J. H. Hustis, Temporary Receiver) be and is hereby authorized to file supplements to its tariffs P. S. C., 2 N. Y., Nos. 688, 690, 691, 692, and 745, such supplements to further postpone from September 22, 1917, until March 22, 1918, the taking of effect of items providing for increase in rates on Cotton Piece Goods and Woolen Piece Goods to

New York, N. Y., from Hoosick Falls, N. Y., Schaghticoke, N. Y., and Schuylerville, N. Y., as shown in tariff P. S. C., 2 N. Y., No. 745; supplements Nos. 6 to tariffs P. S. C., 2 N. Y., Nos. 688 and 691; and supplements Nos. 7 to tariffs P. S. C., 2 N. Y., Nos. 690 and 692. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs; and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having, by order in its I. & S. Docket No. 1091, further suspended until March 22, 1918, similar items applying to interstate traffic.

Completed by proper supplements to tariffs filed September 20, 1917.

No. 6783; The Pennsylvania Railroad Company:

Ordered: That under applications therefor The Pennsylvania Railroad Company and E. Morris, agent duly authorized to file tariff schedules for various carriers under the jurisdiction of this Commission, be and they are hereby authorized to file, without notice to the public and the Commission, supplements to their respective tariffs G. O., P. S. C., 2 N. Y., No. 823, and P. S. C., 2 N. Y., No. 33, of rates on Petroleum and Petroleum Products, postponing until January 18, 1918, the effective dates of supplement 14 to said tariff G. O., P. S. C., 2 N. Y., No. 823, and of said tariff P. S. C., 2 N. Y., No. 33, and supplement No. 1 thereto. Such postponement supplements shall bear date of issue but not of effect, and will not be counted against the number of supplements to said tariffs permitted by Rule 9(e) of the Commission's Circular No. 55. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as above noted, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having suspended as to interstate traffic the effective dates of the above specified schedules until January 18, 1918, in its order of September 14, 1917, in Investigation and Suspension Docket No. 1134.

Completed by supplement No. 15 to Pennsylvania Railroad Co. G. O. P. S. C. No. 823, and supplement No. 2-A to Eugene Morris, Agent, P. S. C. No. 33; issued September 20, 1917.

No. 6784; September 21, 1917; The Delaware, Lackawanna and Western Railroad Company:

Ordered: That under its application therefor dated September 20, 1917, The Delaware, Lackawanna and Western Railroad Company, for the purpose of correcting omission in filing, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of October 1, 1917, a tariff schedule containing Rules Governing Transit Privileges on Buckwheat Grain, etc., in carloads, at Cohocton, N. Y., the same as are contained in its G. F. D. Circular No. 1305, a copy of which is attached to said application and is hereby made a part of this order. Such tariff schedule shall be filed under a P. S. C., 2 N. Y., serial number 2878, as canceling tariff P. S. C., 2 N. Y., No. 2805, and shall be accompanied by supplement No. 1 to said tariff showing reference to this special permission as authority for establishing said regulations on less than statutory notice. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 2878 and supplement No. 1 thereto, effective October 1, 1917.

No. 6785; September 20, 1917; Hudson Navigation Company:

Ordered: That under its application therefor dated September 19, 1917, the Hudson Navigation Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a freight tariff of class rates canceling

tariff P. S. C., 2 N. Y., No. 124, for the purpose of correcting errors therein as stated in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6786; September 22, 1917; Southern New York Power and Railway Corporation:

Ordered: That under its application therefor dated September 21, 1917, the Southern New York Power and Railway Corporation be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing the following rates to apply on shipments of Building Sand, carloads, minimum weight 60,000 pounds except when marked capacity of car is less, in which case the marked capacity will be the minimum weight, from Todds-ville, N. Y.: to Hartwick, N. Y., and South Hartwick, N. Y., 55 cents; to Mount Vision, N. Y., 60 cents per 2000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 8, effective September 29, 1917.

No. 6787; September 24, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor dated September 24, 1917, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a joint commodity tariff applying from Pier 5, East River, New York, N. Y., and points within the free lighterage limits of New York harbor, via Merchants Line, Albany, N. Y., The Delaware and Hudson Company's railroad, Johnsonville, N. Y., and the Greenwich and Johnsonville railway to Battenville, N. Y., Center Falls, N. Y., Greenwich, N. Y., Middle Falls, N. Y., Ondawa, N. Y., Thomson, N. Y., and Trionda, N. Y., and establish rates in cents per hundred pounds, minimum carload weight 36,000 pounds, as follows: On Alumina, Sulphate; Ammonia, Sulphate; Potash, Sulphate; Rosin; and Soda, Sulphate, 17½. On Wood Pulp, 15. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by P. S. C. No. 3405, effective September 26, 1917.

No. 6788; September 25, 1917; The Pennsylvania Railroad Company:

This special permission not used.

No. 6789; September 25, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated September 24, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.10 per ton of 2240 pounds to apply on shipments of Fluxing Stone, in carloads, minimum weight 30 tons of 2240 pounds each, from Louisiana Street, Erie Street, Ohio Street, and Carroll Street stations, Buffalo, N. Y., Harriet, N. Y., Black Rock, N. Y., and East Buffalo, N. Y., to Troy, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3397, effective September 30, 1917.

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No. 6790; September 25, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated September 24, 1917, The West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 84 cents per 2000 pounds to apply on shipments of Building Sand, carloads, minimum weight 60,000 pounds, from Pattersonville, N. Y., via South Schenectady, N. Y., and The Delaware and Hudson Company's railroad to Delmar, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1054, effective October 1, 1917.

No. 6791; September 27, 1917; Erie Railroad Company (Lines Buffalo, Salamanca, N. Y., and East):

Ordered: That under its application therefor dated September 25, 1917, the Erie Railroad Company (lines Buffalo, Salamanca, N. Y., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing the following rates to apply on less carload shipments of Milk and Cream from Bath, N. Y., Campbell, N. Y., Kanona, N. Y., and Savona, N. Y., to Big Flats, N. Y., and Horseheads, N. Y.; and from Florida, N. Y., Pine Island, N. Y., and Washingtonville, N. Y., to Middletown, N. Y.: 24.2 cents per can of ten gallons on milk, and 43.1 cents per can of ten gallons on cream or condensed milk. Said rates will include the return transportation of the empty packages but the carrier will assume no responsibility for such empty packages. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3820, effective October 1, 1917.

No. 6792; September 27, 1917; E. Morris, Agent:

Ordered: That under application therefor dated September 26, 1917, the carriers, or their duly authorized agents, subject to the jurisdiction of this Commission, which under authority of its special permission No. 6533, of date April 28, 1917, filed to take effect July 1, 1917, supplements of special form proposing to increase rates on classes and commodities generally by approximately 15 per cent, and which (the effective date of such special supplements having been suspended until October 28, 1917, by this Commission in its order of June 27, 1917, in case No. 6062) have not availed themselves of the opportunity afforded by this Commission in supplemental order No. 1, dated July 6, 1917, in case No. 6062, and canceled the said special supplements not later than July 15, 1917, be and they are hereby authorized to file with the Commission, on not less than one day's notice to the public and the Commission and under an effective date not later than October 15, 1917, schedules withdrawing and canceling the said special supplements containing the increased rates that were filed with the Commission to take effect July 1, 1917, and which are now under suspension until October 28, 1917. Said cancellations shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder by issuance of supplements, which supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as noted, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6793; September 28, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under application therefor dated September 27, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's

the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 2817, effective October 5, 1917.

No. 6767; September 12, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.05 per 2000 pounds to apply on shipments of Brick, carloads, minimum weight 50,000 pounds, from Syracuse, N. Y., to East Buffalo, N. Y., Black Rock, N. Y., and Louisiana Street station, Buffalo, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3387, effective September 17, 1917.

No. 6768; September 12, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated September 11, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff on Lumber Articles, in carloads, K. K., P. S. C., 2 N. Y., No. 252, changing the group letter "A" now shown in tariff as applicable on carload shipments of Posts (wooden), Fence, Grape and Pit; and on Rails (wooden), Fence and Mine, to read group letter "B." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required; and is given to maintain uniformity in so far as New York intrastate traffic is concerned with order of the Interstate Commerce Commission as established in its I. & S. Docket No. 1125.

No. 6769; September 12, 1917; Lehigh Valley Railroad Company:

This special permission not used.

No. 6770; September 12, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) for itself and various other carriers:

Ordered: That under application therefor dated September 11, 1917, the carriers subject to this Commission's jurisdiction be and they are hereby authorized to file, on not less than five days' notice to the public and the Commission, class rate schedules and commodity rate schedules taking percentages of class rates from points in New York state east of Buffalo and Salamanca to points in New York state west of Buffalo and Salamanca as may be necessary to avoid lower rates from and to such points than will be concurrently effective from Buffalo or Salamanca, as the case may be, to common destinations west thereof in New York state. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any rates that may be filed and established under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

No. 6771; September 13, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor dated September 13, 1917, The Delaware and Hudson Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 90 cents per 2000 pounds to apply on shipments of Crushed Stone, in carloads,

minimum weight 60,000 pounds, from Cobleskill, N. Y., via Sidney, N. Y., and the New York, Ontario and Western railway to New Berlin Junction, N. Y. This authority does not waive any of the requirements of the Commission's regulations relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 34 to P. S. C. No. 3134, effective September 20, 1917.

No. 6772; September 13, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) for itself and other railroad companies operating in New York state:

Ordered: That under application therefor dated September 13, 1917, the carriers or duly authorized agents having on file with this Commission under effective dates of September 15, 1917, and September 18, 1917, the tariff schedules enumerated by the Interstate Commerce Commission in its order of August 29, 1917, in Eastern Live Stock-Fresh Meat Case (its Investigation and Suspension Docket No. 1124) or tariffs of similar application, be and they are hereby authorized to file, without notice to the public and the Commission but on or before effective dates of said tariff schedules, supplements postponing until January 13, 1918, the effective dates of said tariff schedules or parts of said tariff schedules. Said postponement shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder, by issuance of supplements to the said tariff schedules showing date of issue only. Such supplements will not be counted against the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic; it is limited strictly to its terms and does not include later supplements to or reissues of the tariff schedules amended thereunder.

Completed by proper tariff publications filed by various carriers.

No. 6773; September 14, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and West) for itself and various other carriers:

Ordered: That under application therefor dated September 13, 1917, the carriers subject to this Commission's jurisdiction be and they are hereby authorized to file, on not less than five days' notice to the public and the Commission, such class rate schedules and commodity rate schedules taking percentages of class rates from points in New York state west of Buffalo and Salamanca to points in New York state east of Buffalo and Salamanca as may be necessary to avoid lower rates from and to such points than will be concurrently effective from Buffalo or Salamanca, as the case may be, to common destinations east thereof in New York state. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. The Commission does not hereby approve any rates that may be filed and established under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

No. 6774; September 15, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated September 15, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing the following rates in cents per forty-quart can to apply on shipments of Fluid Milk from Lowville, N. Y., Martinsburg, N. Y., and Glenfield, N. Y., to Middleville, N. Y.: Less than carloads, minimum 75 cans, 27.3; carloads, minimum 250 cans, 23.9. Said rates

will not include icing but will include free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3388, effective September 17, 1917.

No. 6775; September 17; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated September 15, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 68 cents per 2000 pounds to apply on shipments of Crushed Stone, carloads, minimum weight 60,000 pounds, from Little Falls, N. Y., to Camden, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 9 to P. S. C. N. Y. C. No. 2328, effective September 24, 1917.

No. 6776; September 17, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated September 14, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.05 per 2000 pounds to apply on Sand, carloads, minimum weight 60,000 pounds, from Boonville, N. Y., via Utica, N. Y., and the Delaware, Lackawanna and Western railroad to Cedarville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3393, effective September 24, 1917.

No. 6777; September 17, 1917; Boston and Albany Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under application therefor dated September 17, 1917, the Boston and Albany Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file a supplement to its freight tariff P. S. C., 2 N. Y., No. 604, for the purpose of further postponing the effective date of supplement No. 1 to said tariff from September 22, 1917, until March 22, 1918. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as herein specifically stated; and is given in order that uniform charges and regulations may obtain as to New York state and interstate traffic, the Interstate Commerce Commission having, by order in its I. & S. Docket No. 1091, further suspended the effective date of said tariff supplement until March 22, 1918, as to interstate traffic.

Completed by supplement No. 8 to P. S. C. No. 604, filed September 17, 1917.

No. 6778; September 17, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated September 17, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, without notice to the public and the Commission but on or before September 20, 1917, supplements canceling, under an effective date of September 20, 1917, its freight tariffs P. S. C., 2 N. Y., Nos. 1352 and 1353; supplement No. 5 to P. S. C., 2 N. Y., No. 1048; and supplement No. 3 to P. S. C., 2 N. Y., No. 1295. This authority does not waive any of the require-

ments of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 6 to P. S. C. No. 1048; supplement No. 4 to P. S. C. No. 1295; supplement No. 1 to P. S. C. No. 1352; and supplement No. 1 to P. S. C. No. 1353; effective September 20, 1917.

No. 6779; September 15, 1917; Eugene Morris, Agent:

Ordered: That upon application therefor dated September 15, 1917, Eugene Morris, Agent, be and is hereby authorized to file, on not less than one day's notice to the public and the Commission but effective not earlier than September 20, 1917, a supplement to his tariff of local, joint, and proportional rates on Petroleum and Petroleum Products, P. S. C., 2 N. Y., No. 33, correcting said tariff by the addition thereto of references to powers of attorney or concurrences of participating carriers on file with this Commission; and also by the addition of P. S. C., 2 N. Y., references to schedules governing said tariff as may be necessary to provide for proper application of tariff to New York intrastate traffic. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 33, effective September 25, 1917.

No. 6780; September 19, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated September 18, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its joint freight tariff G. O., P. S. C., 2 N. Y., No. 760, canceling thereby the items contained in supplement No. 18 to said tariff on pages 3 to 11 inclusive, issued to become effective September 1, 1917, and reestablishing the rates on the commodities named in such items in effect prior to September 1, 1917; other items not herein authorized to be canceled shall be reissued without change. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required; and is given in order that uniform charges and regulations may obtain as to New York state and interstate traffic, the Interstate Commerce Commission in its I. & S. Docket No. 1125 having suspended the effective date of rates applying on mine material.

Completed by supplement No. 20 to G. O. P. S. C. No. 760, effective October 3, 1917.

No. 6781; September 20, 1917; Middletown and Unionville Railroad Company:

Ordered: That under its application therefor of date September 14, 1917, the Middletown and Unionville Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission, a commodity freight tariff establishing on Sand, carloads, minimum weight 40,000 pounds, from Middletown, N. Y., to Johnsons, West Town, and Unionville, N. Y., the rate of 35 cents per ton of 2000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 34, effective October 2, 1917.

No. 6782; September 20, 1917; Boston and Maine Railroad (J. H. Hustis, Temporary Receiver):

Ordered: That under application therefor dated September 20, 1917, the Boston and Maine Railroad (J. H. Hustis, Temporary Receiver) be and is hereby authorized to file supplements to its tariffs P. S. C., 2 N. Y., Nos. 688, 690, 691, 692, and 745, such supplements to further postpone from September 22, 1917, until March 22, 1918, the taking of effect of items providing for increase in rates on Cotton Piece Goods and Woolen Piece Goods to

670 PUBLIC SERVICE COMMISSION SECOND DISTRICT

[Case No. 6051]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL RAILROAD COMPANY under section 53 of the Public Service Commissions Law for permission to exercise a right under section 24 of the Railroad Law to change its route in the cities of Tonawanda and North Tonawanda; and for approval of the exercise of franchises therefor received from said cities.

Amendatory
order.

For the purpose of correcting an alleged ambiguity in the order of this Commission duly made and entered herein on August 2nd last, it is

Ordered: That the said last mentioned order is hereby so amended as to read as follows:

"A petition under section 53 of the Public Service Commissions Law having been filed with this Commission by The New York Central Railroad Company under date of May 29, 1917, for permission to exercise a right under section 24 of the Railroad Law, and for approval by this Commission of and for its consent to the exercise of a franchise granted to the petitioner corporation by the City of North Tonawanda under date of March 20, 1917, and of a franchise granted to the petitioner corporation by the City of Tonawanda under date of May 9, 1917, which said franchises provide generally for an alteration of the routes of said railroad corporation in and through the cities of Tonawanda and North Tonawanda, respectively; and a public hearing on said petition, after due notice given, having been held by this Commission, at which appeared Locke, Babcock, Spratt & Hollister for the petitioner, besides B. S. Voorhees, its engineer of grade crossings; Kenefick, Cooke, Mitchell & Bass for the Lehigh Valley Railroad Company; Cohn, Chormann & Franchot for the International Railway Company; E. D. Minard for the Erie Railroad Company; F. H. Millener for the City of Tonawanda; James P. Lindsay for the City of North Tonawanda; George O. Miller, chairman of the Board of Public Works of North Tonawanda; F. C. Butler, secretary of the Chamber of Commerce of the Tonawandas; and various property owners in person and by counsel, respectively; and evidence having been taken, and after due deliberation, this Commission having determined that the exercise of the rights and franchises mentioned and referred to is necessary and convenient for the public service and properly should be approved and authorized; and it having been further determined that in the construction of its new alignment as described and established in the aforesaid franchises the New York Central railroad shall incidentally and necessarily cross the tracks of the Erie Railroad Company and of the International Railway Company in the city of Tonawanda, and the tracks of the International Railway Company in the city of North Tonawanda; that the crossing of the Erie railroad and of the International railway each in the vicinity of East street in the city of Tonawanda, under the circumstances properly may be allowed to be made at grade, but that the other crossings of the International railway in both the cities of Tonawanda and North Tonawanda shall be overgrade; it is

Ordered: That this Commission, under section 53 of the Public Service Commissions Law, hereby authorizes and approves the exercise of the aforesaid franchises and rights, and each of them, granted to and conferred upon the petitioner corporation by the cities of North Tonawanda and Tonawanda respectively as aforesaid, and the right under section 24 of the Railroad Law to change its route as specified in said petition; and hereby determines that the

changed line of the petitioner corporation shall cross the tracks of the Erie Railroad Company and the tracks of the Lockport branch of the International Railway Company where said tracks respectively will intersect said changed line of petitioner in the city of Tonawanda at grade, and shall cross the tracks of the International Railway Company at Main street and Delaware avenue in the city of Tonawanda overgrade; and shall cross the tracks of the same company at Goundry street and at Swcney street in the city of North Tonawanda overgrade: any proper apportionment among the three railroad corporations mentioned of the cost and expense of constructing and establishing such crossings and each of them respectively to be hereafter determined."

[Case No. 6175]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of September, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of the incorporated VILLAGE OF DERING HARBOR, Suffolk county, under section 68, Public Service Commissions Law, for authority to maintain, operate, and extend for other than municipal purposes, as well as municipal purposes, an electric plant; and petition of ISLAND REALTY COMPANY for consent to transfer said plant to the village.

Appearances: Frederick H. Tasker, attorney petitioners; Charles Lane Poor, village treasurer, and treasurer Island Realty Company; W. P. Pickhardt, village trustee, and vice-president Island Realty Company; Torrant Putnam, village president. A petition under section 68, Public Service Commissions Law, having been filed with this Commission by the incorporated Village of Dering Harbor, on Shelter Island, Suffolk county, for authority to maintain and operate for other than municipal purposes, as well as municipal purposes, an electric plant in said village; and a petition under section 70 of said law having been filed with this Commission by the Island Realty Company for consent to transfer to said village the electric plant in question; and a public hearing on said petitions, after due notice, having been held in New York city on September 21, 1917, at which both petitioners were represented and no one else appeared; and it appearing from the papers and hearing that the municipality is a fourth-class village which has been lawfully authorized to buy the plant in question; that the plant has been in operation for some years and is owned by the Island Realty Company which is willing to sell it to the village for about and not more than \$2000; that the plant is a small one, consisting of two engines bolted to generators, with switchboards and accessories, and a pole and wire line in the village streets; and that the village proposes to spend \$6500 in improving and extending it within the village limits; that no other public light and power plant exists in the village; and this Commission being satisfied that the petitions should be granted, it is

Ordered: 1. That under section 70, Public Service Commissions Law, this Commission hereby consents that Island Realty Company may transfer to the incorporated Village of Dering Harbor, Suffolk county, the works and system of the electric plant of said company located in said village for a price not to exceed \$2000.

2. That this Commission under section 68, Public Service Commissions Law, certifies that it hereby authorizes the incorporated Village of Dering Harbor,

buses over certain streets in the cities of Rome and Oneida as a part of a route between Rome and Sylvan Beach. The present application is by J. Franklin Hyde, Jacob Siegel, and C. Stuart Myers for consent to the transfer of said certificate by Hyde to Siegel and Myers. Siegel and Myers, under another certificate, are already operating in the cities of Rome and Oneida as a part of a route between the same terminals, the routes between the two cities being somewhat different. The municipal authorities of both cities have formally consented to the proposed transfer. A public hearing was held in the city of Utica September 28, 1917, at which no one appeared in opposition to the application. It is

Ordered: That the consent of this Commission be and the same hereby is given to the transfer of the certificate of convenience and necessity granted by the Commission April 26, 1917, to J. Franklin Hyde, by said Hyde to Jacob Siegel and C. Stuart Myers, subject to all the terms and conditions of said certificate and of the original consents of the local authorities of said cities, and of the terms and conditions of the consents of said cities to said transfer.

[Case No. 5980]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the EARLVILLE ELECTRIC LIGHT COMPANY under section 68, Public Service Commissions Law, for permission to construct an electric plant and exercise a franchise in the town of Lebanon, Madison county; and under section 69, Public Service Commissions Law, for authority to issue a mortgage for \$10,000, and to issue now \$8325 in 6 per cent bonds to be secured by said mortgage.

Amendatory
order.

Petition filed April 12, 1917; report of division of light, heat, and power dated May 4, 1917; report of division of capitalization dated May 7, 1917; order entered May 15, 1917; supplemental petition (letter) filed October 3, 1917. By order herein dated May 15, 1917, the Earlville Electric Light Company was authorized among other things to issue \$7000 face value of its 6 per cent 10-year first mortgage gold bonds, and to use the proceeds to be realized from their sale at not less than 98 per cent of their face value for the construction of a transmission line to Randallville and for the discharge of outstanding indebtedness. Under date of October 3, 1917, the company filed a supplemental petition showing that an offer of 90 per cent of their face value had been made for these bonds, and it asks for an amendment of the aforesaid order to authorize their sale at the above price. Now therefore, upon the foregoing record,

Ordered: That the order herein dated May 15, 1917, is hereby amended to authorize the issuance of the 6 per cent 10-year first mortgage bonds aggregating \$7000 face value therein set forth for not less than 90 per cent of their face value and accrued interest, to give net proceeds of at least \$6300, which shall be applied solely and exclusively toward the purposes enumerated in said order.

690 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6179]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Joint Petition of JORDAN ELECTRIC LIGHT AND POWER COMPANY and FRANK W. KNAPP under section 70, Public Service Commissions Law, for consent to the transfer from Knapp to the company of certain franchises.

This petition is under section 70 of the Public Service Commissions Law by the Jordan Electric Light and Power Company and Frank W. Knapp for consent to the transfer from Knapp to the company of two franchises, copies of which are attached to the petition: one from the Village of Elbridge in Onondaga county, and one from the Town of Elbridge in said county. The franchises are for construction and maintenance in the village of Elbridge and certain portions of the town of Elbridge of an electric plant. They are more particularly described in the order in case No. 6180, decided herewith. The franchises were procured by Knapp, who is president of the company, for the benefit of the company, in order fully to legalize existing operation in the village of Elbridge and in part of the town of Elbridge which has heretofore been without sanction of an express franchise, and also to permit certain extensions in the town of Elbridge. A public hearing was held in Syracuse on September 29, 1917, at which the company and Mr. Knapp appeared; and the Syracuse Lighting Company appeared, but not in opposition. The transfers have been made without consideration. It is

Ordered: That the consent of this Commission be and the same hereby is given to the transfer by said Knapp to the Jordan Electric Light and Power Company of said franchises, to wit one granted October 12, 1916, by the Village of Elbridge to F. W. Knapp, and one granted October 14, 1916, by the Town of Elbridge to F. W. Knapp.

[Case No. 6180]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 4th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of JORDAN ELECTRIC LIGHT AND POWER COMPANY under section 68, Public Service Commissions Law, for permission to construct and approval of franchise in municipalities of Onondaga county.

The Jordan Electric Light and Power Company now furnishes electricity in the incorporated villages of Jordan and Elbridge, and in a portion of the town of Elbridge, in Onondaga county. The present management of the company discovers that the operation in the village and town of Elbridge, while it has continued for a number of years, has not been supported by any fran-

chise, at least not by any formal franchise. The company desires to bring itself into strict conformity to the law in respect of its operation. It also desires to furnish electricity in the hamlet of Hartlot, or Skaneateles Junction; also to furnish electricity in and about the hamlet of Warners, which lies partly in the town of Camillus and partly in the town of Van Buren. In order to accomplish these objects, the petitioner asks, under section 68 of the Public Service Commissions Law, permission to construct its system and approval of several franchises therefor. These franchises are as follows:

1. Franchise granted by the Village of Elbridge to F. W. Knapp, the president of the petitioner, and by him transferred to the petitioner, authorizing the erection and maintenance of poles, wires, and fixtures on all the streets, highways, and other necessary and proper points within the corporate limits of the village.

2. Franchise granted by the Town of Elbridge to said Knapp, and by him transferred to the petitioner, covering all highways of that part of the town within a radius of one-half mile of the New York Central Railroad station known as Skaneateles Junction, and outside of that radius along certain designated highways.

3. Franchise granted by the Town of Camillus to the petitioner, covering any highways within a radius of one-half mile of the New York Central Railroad bridge located in the town of Van Buren, in the settlement of Warners, and outside of such territory in an easterly direction to include the property of the Onondaga Vitrified Brick Company and the highway or highways leading thereto.

4. Franchise from the Town of Van Buren to the petitioner, covering any highways in said town within a radius of one-half mile of the New York Central Railroad bridge located in the town of Van Buren, in the settlement of Warners, and outside of such territory in an easterly direction to include the property of the Onondaga Vitrified Brick Company and highways leading thereto.

Copies of said franchises are attached to the petition herein. A public hearing was held in the city of Syracuse September 29, 1917, at which the petitioner appeared, and there were also appearances on behalf of the Syracuse Lighting Company and the town board of Van Buren. Neither the lighting company nor the town opposed the application. It is determined and stated that the construction of said plants and the exercise of said franchises are necessary and convenient for the public service, and it is

Ordered: 1. That the permission and approval of the Commission be given to the Jordan Electric Light and Power Company, under section 68 of the Public Service Commissions Law, to construct, maintain, and operate in the village of Elbridge, and in such parts of the towns of Elbridge, Camillus, and Van Buren as are described in the several franchises above mentioned, poles, wires, and any other fixtures or structures necessary for the conducting or transmission of currents of electricity upon or across the highways and other public places within the territory described in said several franchises.

2. That the permission and approval of the Commission be given to said Jordan Electric Light and Power Company to exercise the rights and privileges granted by said several franchises, subject however to all lawful terms and conditions thereof.

3. No poles, wires, or other structures shall be placed upon, along, or across any state or county highway without the consent of the State Commissioner of Highways.

692 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6199]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 4th day of
October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF
OGDENSBURG against OGDENSBURG GAS COMPANY, ask-
ing that mains be laid in Canal street.

In the above matter the attorney for the complainants having notified the
Commission under date of October 1, 1917, that the complaint was with-
drawn, it is

Ordered: That this case be and the same is hereby closed on the records
of this Commission.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 9th day of
October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COM-
MON COUNCIL OF THE CITY OF MOUNT VERNON and
THE NEW YORK CENTRAL AND HUDSON RIVER RAIL-
ROAD COMPANY, joined, under section 92 of the Rail-
road Law as to crossings by streets and avenues of
the New York and Harlem Railroad (leased to and
operated by The New York Central and Hudson
River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF
MOUNT VERNON, the CITY OF YONKERS, THE NEW
YORK CENTRAL RAILROAD COMPANY, and the BRONX
PARKWAY COMMISSION for a modification of orders of
this Commission dated September 12, 1907, and June
27, 1912, the modification asked for being with respect
to the location and construction and design of an
overgrade crossing of the New York and Harlem
railroad, lessor, extending from Broad street, city of
Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of The New York Central Railroad Company
and the Bronx Parkway Commission as indicated by the respective signatures
of the manager of Grand Central Terminal Improvements of the railroad com-
pany and the principal assistant engineer of the Bronx Parkway Commission
upon a plan marked Map 369, showing details of the arch ring spanning the
Bronx River Parkway and the tracks of The New York Central Railroad Com-
pany at the Broad Street viaduct to be constructed pursuant to a determina-
tion of this Commission dated December 16, 1915, in the matter above entitled;
and upon the approval of the local authorities of the cities of Mount Vernon
and Yonkers as indicated by the respective signatures of Edwin W. Fiske,

mayor of the City of Mount Vernon, and D. F. Fulton, city engineer of Yonkers, it is

Ordered: That said plan be and it is hereby approved.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 of the Railroad Law as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of The New York Central Railroad Company and the Bronx Parkway Commission as indicated by the respective signatures of the manager of the Grand Central Terminal Improvements of the railroad company and the engineer and secretary of the Bronx Parkway Commission upon a plan marked Map 367, showing details of structural steel cross frames for the arch rings in the Broad Street viaduct to be constructed pursuant to a determination of this Commission dated December 16, 1915, in the matter above entitled; and upon the approval of the local authorities of the cities of Mount Vernon and Yonkers as indicated by letter from the mayor of the City of Mount Vernon and by letter from the city engineer of Yonkers, it is

Ordered: That said plan be and it is hereby approved.

[Case No. 3188]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the BUFFALO AND LACKAWANNA TRACTION COMPANY for authority pursuant to the provisions of section 55 of the Public Service Commissions Law to issue \$162,000 par value of its 5 per cent 20-year gold mortgage bonds.

Sixth
amendatory
order.

Petitions filed September 28, 1912; February 5, 1914; May 25, 1914; December 5, 1914; September 17, 1915; September 26, 1916; October 6, 1917. Orders entered October 2, 1912; March 3, 1914; May 26, 1914; December 15, 1914; September 29, 1915; October 5, 1916. By order herein dated March 3, 1914, the action of the Buffalo and Lackawanna Traction Company in pledging \$100,000 face value of its first mortgage 5 per cent 20-year gold bonds with the Columbia National Bank of Buffalo as collateral security for a loan of \$75,000 for one year from May 26, 1913, was ratified, validated, and approved. This authorization was extended for a period of six months by order dated May 26, 1914. Thereafter, the Commission authorized the company to pledge \$150,000 face value of its bonds with the Marine National Bank of Buffalo as collateral security for a loan of \$100,000 for a period of nine months from the date of such order. The proceeds of this note satisfied the \$75,000 note and paid other obligations of the petitioner. The continuance of such pledging to October 1, 1916, and October 1, 1917, was permitted by the Commission's orders herein dated September 29, 1915, and October 5, 1916, respectively. By supplemental petition herein filed under date of October 6, 1917, the company asks for authority to continue the pledging of its bonds of \$150,000 face value as collateral security for a demand note dated October 1, 1917, for \$100,000. Now therefore, upon the foregoing record,

Ordered: That the Buffalo and Lackawanna Traction Company is hereby authorized to pledge \$150,000 face value of its 5 per cent 20-year first mortgage gold bonds as collateral security for a demand note of the principal sum of \$100,000, dated October 1, 1917, for not more than one year from its date, provided that the proceeds realized from the sale of such note shall be used solely and exclusively in satisfying a note due October 1, 1917, for \$100,000 for which these bonds had been pledged.

[Case No. 4869]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE CITY OF LACKAWANNA AND THE TOWNS OF HAMBURG AND EAST HAMBURG, Erie county, *against* LEHIGH VALLEY RAILROAD COMPANY, THE PENNSYLVANIA RAILROAD COMPANY, and THE NEW YORK CENTRAL RAILROAD COMPANY (Terminal Railway of Buffalo) as to floods.

The work performed in compliance with the Commission's order dated January 25, 1916, in the matter above entitled, having been entirely completed and satisfactorily carried out in accordance with the provisions therein contained, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5622]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the WESTERN NEW YORK AND PENNSYLVANIA RAILWAY COMPANY, lessor, and THE PENNSYLVANIA RAILROAD COMPANY, lessee, under section 91 of the Railroad Law as to changing the Queen Street grade crossing in the city of Olean to an undergrade crossing.

The work covered by the Commission's determination in the above entitled matter having been entirely completed in accordance with the requirements of said determination to the satisfaction of this Commission, and the City of Olean as shown by letter dated September 26, 1917, from the superintendent of streets of the City of Olean, it is

Ordered: That the completed work be and it is hereby approved.

696 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5739]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition and Supplemental Petition of the LAWRENCE PARK HEAT, LIGHT AND POWER COMPANY under sections 68 and 81, Public Service Commissions Law, for permission to construct in portions of the incorporated village of Bronxville an electric plant and a steam plant; and for approval of the exercise of rights and privileges under franchises therefor received from said village.

This case having come on for hearing before the Commission; and the Commission having decided for reasons set forth in the accompanying memorandum that the application of the Lawrence Park Heat, Light and Power Company for permission to construct in portions of the incorporated village of Bronxville an electric plant and a steam plant, and for approval of the exercise of rights and privileges under franchises therefor received from said village, should not be granted, it is hereby

Ordered: That the petition and supplemental petition of the Lawrence Park Heat, Light and Power Company under sections 68 and 81 of the Public Service Commissions Law, for permission to construct in portions of the incorporated village of Bronxville an electric plant and a steam plant, and for approval of the exercise of rights and privileges under franchises therefor received from said village, be and the same hereby is denied, and that this case be closed upon the records of the Commission.

[Case No. 5797]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of A. F. WILLIAMS of Corning *against* THE NEW YORK CENTRAL RAILROAD COMPANY, asking that loaded freight cars consigned to him coming from other railroads be delivered on the Tioga Avenue sidetrack of said company in Corning.

Ordered: That paragraph 3 of the order of the Commission dated July 26, 1917, be and the same hereby is amended to read as follows:

3. That this order shall take effect October 21, 1917, and shall remain effective only so long as the respondent continues to receive upon its interchange tracks with the Erie Railroad Company and The Delaware, Lackawanna and Western Railroad Company, in the city of Corning, carload freight consigned to competitors in business of the complainant and to deliver the same upon sidetracks located upon or adjoining the premises of such competitors.

[Case No. 6141]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of M. E. ATKINSON under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Binghamton, it being proposed that the route shall also be operated between Binghamton and the hamlet of Cadosia, Delaware county.

M. E. Atkinson applies for a certificate of convenience and necessity for a stage route to be operated by auto buses over streets in the city of Binghamton as a part of a route from Cadosia, in Delaware county, to Binghamton, passing through a number of intermediate villages and hamlets. A public hearing was held in Albany October 3, 1917, at which the applicant appeared with witnesses, and no one appeared in opposition. It was stipulated at said hearing that no passengers would be carried from one point to another point within the city of Binghamton. The consent of the City of Binghamton was duly granted by the common council January 15, 1917, and approved by the mayor January 26, 1917. Now therefore, this Commission hereby certifies that public convenience and necessity require the operation of a stage route by auto buses as provided in the consent granted by the City of Binghamton, a copy whereof is attached to the petition herein; said vehicles to operate through and along Conklin avenue, Tompkins street, or Court street, in the city of Binghamton, and over such other streets, avenues, and public places in the city of Binghamton as may be necessary to call for and take on passengers and freight for transportation to points along said route outside the city of Binghamton, and to discharge freight and passengers received at points along said route outside the city of Binghamton. This certificate is granted subject to all the terms and conditions of the consent hereinabove mentioned, and subject to present and future ordinances of the City of Binghamton and the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 6152]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY for consent to the discontinuance of the services of an agent at the Mindenville station on the West Shore Railroad, lessor.

The New York Central Railroad Company asks the consent of the Commission to discontinue its Mindenville station as an agency station. Minden-

ville is on the West Shore railroad on the south side of the Mohawk river. 1.9 miles west of South St. Johnsville and 3.3 miles east of Indian Castle. It is a small hamlet, and there is a population of about two hundred in the region naturally tributary to the station. Two passenger trains each way stop at the station. An application was made in 1914 similar to the present application, but at the request of the petitioner the case was closed with leave to reopen upon request of the applicant (order in case No. 3170, April 14, 1914). The reason for the withdrawal of the application was that work on the Barge Canal was affording considerable business at the station. This work is practically completed and the business caused thereby has ceased. The evidence shows that for the months of April, May, and June, 1917, the ticket sales amounted to \$158.76, outbound freight \$268.21, inbound freight \$38.98, express \$44.72: the total revenue at the station \$510.67. The outbound freight business consists chiefly of hay in carload lots. The inbound freight business is rapidly decreasing, probably due to the closing of the Barge Canal work. In April it was \$17.64, in May \$12.95, in June \$8.39; the first seventeen days in July it was \$2.87. It is proposed to maintain the station building, have a caretaker in charge, and to heat it in cold weather and light it in hours of darkness for a reasonable period before the arrival of trains. Freight will be handled at the present rates; cars for carload lots to be ordered and billed from the next station east or west but cars to be placed for loading and unloading on the present sidetrack. Less than carload freight is to be handled at Mindenville but billed from the next station east or west. All inbound freight must be prepaid. Passenger trains will stop as heretofore. A public hearing was held in Utica September 28, 1917, at which no one appeared in opposition. In view of the small and diminishing amount of business, and especially in view of present exigencies seriously affecting the carriers in procuring sufficient men to conduct their business, the Commission is of the opinion that the application should be granted. It is therefore

Ordered: 1. That the Commission gives its consent to The New York Central Railroad Company to abandon its Mindenville station on the West Shore railroad as an agency station, upon five days' notice to the public and to the Commission.

2. That said station shall be maintained for passenger and freight business as a prepaid or non-agency station in the manner above stated; that the applicant shall cause the waiting room of said station to be heated when so required for the comfort of passengers, and shall cause the said waiting room to be lighted during hours of darkness for at least thirty minutes prior to the arrival time of each train scheduled to stop. That day and night said waiting room shall be kept open for the convenience of passengers for a period of at least thirty minutes before the scheduled time for the arrival of trains scheduled to stop thereat and until the departure thereof; and when occasion requires, for such a reasonable period after departure as will enable persons having occasion to use said waiting room to find opportunity to depart therefrom.

3. That this order is without prejudice to an application by the patrons of the road to restore the agency at a future time upon showing changed conditions.

4. That the applicant notify the Commission within ten days after the service of this order as to its acceptance thereof.

[Case No. 6207]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 9th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

In the matter of the Petition of BINGHAMTON GAS WORKS under section 68 of the Public Service Commissions Law for permission to lay in the incorporated village of Port Dickinson gas mains, laterals, and connections; and for approval of the exercise of a franchise therefor received from the village.

Petition filed September 22, 1917; affidavits of publication filed September 29, 1917; hearing held at the office of the Commission in the city of Albany October 4, 1917. Appearances: Hinman, Howard and Kattell, by Archibald Howard, for the petitioners; no one in opposition. The petitioner is engaged in manufacturing and distributing gas in the city of Binghamton and in the territory adjacent thereto. The petitioner desires permission and approval to exercise a franchise granted by the board of trustees of the Village of Port Dickinson on September 12, 1917, and to sell and distribute gas in the village for lighting, heating, and power purposes. It also wishes to extend its lines beyond the village of Port Dickinson and into the town of Fenton so that it may supply gas to the inhabitants of the village and to The Hires Condensed Milk Company in the town of Fenton which adjoins the village. The petitioner has entered into a contract with The Hires Condensed Milk Company to supply it with gas for manufacturing purposes, but the petitioner does not intend to make use of any of the streets, avenues, or public places in the town of Fenton for this purpose; for that reason it has not procured a franchise from the town authorities. Its certificate of incorporation has not yet been amended so as to permit it to carry on business in the town. It was stated by counsel at the hearing that the necessary proceedings would at once be taken to amend the certificate of incorporation so that the petitioner will be authorized to do business in the town of Fenton at such time as it is ready to lay its mains therein. The Commission having determined that the construction, maintenance, and operation of gas pipes and the necessary laterals and connections required for use in connection therewith, for the purpose of supplying and distributing gas for lighting, heating, and power purposes in the village of Port Dickinson, and the exercise of the franchise granted to the petitioner by the board of trustees of said village on September 12, 1917, and the extension of the mains of the petitioner to and into the town of Fenton for the purposes hereinbefore set forth, are necessary and convenient for the public service, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law, the permission and approval of this Commission be and the same hereby are given to the Binghamton Gas Works to construct, maintain, and operate gas pipes and the necessary laterals and connections required for use in connection therewith in the village of Port Dickinson, Broome county, New York, and to the exercise by it of the franchise granted to it by the board of trustees of the Village of Port Dickinson on September 12, 1917, subject to all of the terms and conditions therein set forth.

2. That pursuant to the provisions of section 68 of the Public Service Commissions Law, the permission and approval of this Commission be and the same hereby are given to the Binghamton Gas Works to lay, maintain, and operate gas mains, together with the equipment and appliances required for use in connection therewith, to enable it to furnish gas to The Hires Condensed Milk Company at its plant in the town of Fenton, Broome county, New York; but such permission shall not be construed as authorizing or per-

mitting said Binghamton Gas Works to extend its gas mains and distribution system in, along, under, or upon any of the streets, avenues, or public places of the town of Fenton.

3. That permission herein granted to extend the mains and distribution system of the Binghamton Gas Works in the town of Fenton shall not become effective until such corporation shall have amended its certificate of incorporation so as to authorize it to do business in said town pursuant to the provisions of the Transportation Corporations Law. The petitioner shall notify this Commission in writing when such amendment has been made.

4. The Binghamton Gas Works shall notify this Commission in writing within ten days from the date of this order whether it accepts the terms and conditions thereof and will comply with the same in all respects.

[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of the Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

Modification
of
order.

The Commission's order in the above entitled matter of March 21, 1916, provides (paragraph 3) that a roadway not less than 15 feet wide shall be constructed in front of the property of the Curtis estate adjacent to the Lake Street approach, and that such driveway shall be increased in width at its Spring Street end approximately as shown upon the plan referred to in said order. In addition to this roadway, the plan provides for a graded roadway connection with and a reinforced concrete stairway to the revised surface of Lake street. The City of Ogdensburg and The New York Central Railroad Company have now petitioned this Commission that the roadway in front of the Curtis estate, its graded connection with Lake street, and the concrete stairway, be omitted, the cost of the entire construction thereof having been estimated at \$2500. The petition states that an option has been secured from the Curtis estate on all property which would be affected by the proposed change for the sum of \$3069; but that the petitioners propose that only \$2000 of the cost of this land shall be charged to the elimination account proper thus decreasing the estimated cost of the entire elimination project by not less than \$500. The so called Curtis estate roadway was provided for in order to give access to five dwellings located between the railroad and the end of the new Lake Street approach. The city now being the owner of this property, it proposes, as the Commission is informed, to remove the dwellings thereon so that no necessity for this roadway will exist, and for this reason asks, jointly with the railroad company, for the proposed modification. The city and the railroad company being the only interested property owners, no one else being affected by the proposed change, the Commission considered that a hearing on the joint petition of the city and the railroad company was unnecessary, and after due deliberation has finally determined that said petition should be granted, and therefore hereby

Orders: That the determination of March 21, 1916, be modified so that paragraph 3 shall read as follows:

"3. That an approach serving Lake street be built on the west side of the

railroad extending southerly from the new structure in Spring street, substantially as shown upon the general plan herein referred to, the width of the roadway thereon not to exceed 20 feet in width, with one sidewalk not to exceed 5 feet in width. The grade on this approach shall descend from Spring street at the rate of about 6 per cent a distance of about 300 feet, from which point it shall continue to descend at the rate of about 1½ per cent to an intersection with the surface of Lake street as it exists at the present time. The roadway shall be paved with macadam, and railings provided at all points where said roadway is to be constructed on an embankment."

Nothing in this order is intended nor shall be considered to modify or affect the provisions in the original order whereby the maximum amount finally chargeable herein either to the State of New York or the railroad corporation is to be determined.

[Case No. 5896]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the TOWN BOARD
AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE
TOWN OF WEST SENECA, Erie county, *against* the
RECEIVER OF THE BUFFALO SOUTHERN RAILWAY COM-
PANY as to service rendered the public and condition
of equipment.

The town board and board of highway superintendents of the Town of West Seneca having made complaint against the Receiver of The Buffalo Southern Railway Company as to service rendered the public and the condition of equipment; and the Receiver of said railway having made answer thereto; and the issues formed by the complaint and the answer having come on for hearing before Commissioner Barhite at the office of the Commission in the city of Buffalo, New York, on the 13th day of April, 1917, and upon subsequent dates thereto, at which times William J. Doetsch, esq., appeared as attorney for the complainants; and John Ryan, esq., as attorney for the respondent; and it appearing from the evidence that the allegations of the complaint are true, it is

Ordered: That Nathan A. Bundy, as Receiver of The Buffalo Southern Railway Company, be and he is hereby ordered and directed to add to the equipment of the East Seneca division of the railroad operated by him two double-truck passenger cars.

Further Ordered: That said Receiver shall procure as a stand-by service electric current to not less than 200-kw. capacity as a reserve to the gas generating station now owned by the company, and have necessary connections made and said current ready for use when wanted.

Further Ordered: That said Receiver shall immediately proceed to re-bond the tracks of said railroad from the Junction so called to Lyons Park on the Gardenville line.

Further Ordered: That the Receiver shall complete the work upon the snow-plow now being rebuilt in the shops of the company and have the same finished in time for use during the coming Winter.

Further Ordered: That the trolley wire upon the Gardenville division of said railroad shall be replaced with 4/0 copper wire.

Further Ordered: That all cars in use by said Receiver on the Gardenville and East Seneca divisions of said railroad shall be repaired and cleaned and put and kept in good sanitary condition.

Further Ordered: That the Receiver shall proceed at once with the work mentioned above and continue until the same shall be completed.

Further Ordered: That Nathan A. Bundy, as Receiver of The Buffalo Southern Railway Company, is hereby directed within ten days after the service upon him of this order to notify this Commission whether or not the terms of this order are accepted and will be obeyed by him.

[Case No. 6072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petitions of Carriers for Relief from the Provisions of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917.

Ordered: That Circular No. 55, as amended, Regulations Prescribing the Form and Governing the Construction and Filing of Freight Tariffs and Classifications and Passenger Fare Schedules of Railroad Corporations, be amended by adding thereto the following:

57. Paragraph (d) of Rule 4 provides that a tariff shall contain complete alphabetical indexes of the points from and to which it applies. This is not to be understood as prohibiting the incorporation in a tariff of a rule providing for the affirmative and definite application of the class rates named in that tariff to and from points not indexed therein and which are directly intermediate on the same line with more distant points that are indexed.

Tariffs may provide for the affirmative and definite application of commodity rates by the incorporation therein of a rule substantially as follows:

"From any point of origin or to any point of destination from or to which a rate on a specific commodity is not named in this tariff, located on the same line between any two points of origin or destination from or to which rates are named on the same commodity, the rate on such commodity from or to such intermediate point will be the same as the rate from or to the next more distant point from or to which a rate is named herein; provided no specific rate on the same commodity from the same point of origin to the same point of destination is published in some other tariff."

58. (a) If tariffs containing commodity rates applicable from points of production provide for their application from intermediate points not named, it would be necessary to post those tariffs at every intermediate point, although such shipment may never be made from a point not specifically named. If such tariffs do not provide for application from intermediate points, they would conflict with the amended section 36 of the Public Service Commissions Law whenever the class rate or a combination from an intermediate point exceeds the commodity rate from a more distant point.

Ordinarily, rates to intermediate points of destination not named in the tariff can properly and should be provided for by a clause in the tariff authorizing the application of its rates to intermediate points of destination, but there may be instances where the intermediate application of rates is impracticable or when conflicting rates would result from the establishment of such intermediate application.

Tariffs should not contain volumes of unnecessary rates, and it is undesirable to require the posting of large numbers of tariffs at points from which

no shipments are likely to move. Therefore, until further ordered, carriers may file tariffs containing commodity rates applicable from known points of production or to known points of consumption without making such rates applicable from or to all intermediate points. Each such tariff shall bear on its title-page the following notation:

By authority of Rule 58 of the Public Service Commission, Second District, State of New York, Circular No. 55, this tariff [these rates] is not [are not] made applicable from [or to] all intermediate points. Upon reasonable request therefor rates which will not exceed those in effect from [or to] more distant points will, under authority granted by the Public Service Commission, Second District, State of New York, be established from [or to] any intermediate point hereunder upon one day's notice to the public and the Commission.

In observance of the foregoing tariff provision carriers may on one day's notice to the public and the Commission extend the application of the rates shown in the tariff by establishing commodity rates from or to intermediate points which do not exceed the rates from or to the more distant point on same line or route, provided no increase is thereby made in any existing rate or charge.

A tariff or supplement containing commodity rates issued upon short notice under authority of paragraph (a) of this rule must bear on its title-page or in connection with the item containing the rate the following notation:

Issued under authority of Rule 58(a) of the Public Service Commission, Second District, State of New York, Circular No. 55. The rate from [or to] the more distant point appears in — tariff P. S. C.-2 N. Y.- No. —, item [or page] —.

(b) When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended section 36 of the Public Service Commissions Law and to charge higher rates or fares for shorter than for longer distances over the same line or route, the title-page of each tariff issued and filed under such authority must bear the following notation:

This tariff contains rates [or fares] that are higher for shorter distances than for longer distances over the same route; such departure from the terms of the amended section 36 of the Public Service Commissions Law is permitted by authority of the Public Service Commission, Second District, State of New York, section 36 order [or orders], as indicated in individual items herein.

In connection with the item or items containing the rates or fares as to which such authority has been granted, specific reference to the Commission's section 36 order number and date thereof must be given, except that in instances where all of the rates or fares in the tariff or supplement are covered by one section 36 order, reference to the number and date thereof may be upon the title-page of the publication. When a general section 36 order is referred to, the particular section thereof granting such authority must be shown in addition to the order number.

(c) When the Commission has issued an order granting to a carrier authority to depart from the provisions of the amended section 36 of the Public Service Commissions Law, and to charge rates or fares higher than the aggregate of the intermediate rates or fares subject to the Public Service Commissions Law, the title-page of each tariff issued and filed under such authority must bear the following notation:

This tariff contains rates [or fares] that exceed the sums of the intermediate rates [or fares] subject to the Public Service Commissions Law. Such departure from the terms of the amended section 36 of the Public Service Commissions Law is permitted by authority of the Public Service Commission, Second District, State of New York, section 36 order [or orders], as indicated in individual items herein.

In connection with the item or items containing the rates or fares as to which such authority has been granted, specific reference to the Commission's section 36 order number and date thereof must be given, except that in instances where all of the rates or fares in the tariff or supplement are covered by one section 36 order, reference to the number and date thereof may be upon the title-page of the publication.

(d) Nothing in this rule may be construed as waiving any of the provisions of the amended section 36 of the Public Service Commissions Law.

Further Ordered: That under and by virtue of the authority conferred upon this Commission by the Public Service Commissions Law, every railroad corporation operating within this State and subject to this Commission's jurisdiction be and it is hereby required to amend, in the first supplement thereafter issued to or the first superseding issue thereof, and in the manner prescribed in the Public Service Commissions Law and the regulations of the Commission established thereunder, schedules of rates or fares then in effect or filed to become effective on December 9, 1917, and incorporate therein as applicable to New York State traffic, the rules and regulations above set forth or such portions thereof as may be appropriate to the schedule amended, and that thereafter the requirements of these rules be observed by railroad corporations when filing rate or fare schedules with this Commission.

Further Ordered: That this order shall be effective November 1, 1917; shall be printed as Supplement No. 5 to this Commission's Circular No. 55; and that a copy thereof shall be mailed to every railroad corporation subject to this Commission's jurisdiction.

[Case No. 6127]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF CATO, MERIDIAN, FAIR HAVEN, and the AUBURN CHAMBER OF COMMERCE against LEHIGH VALLEY RAILROAD COMPANY as to discontinuance of trains Nos. 281 and 284 (passenger) between Auburn and North Fair Haven.

The Chamber of Commerce of the City of Auburn, New York, members of the village boards, business men, residents and citizens of the villages of Cato and Meridian, Cayuga county, New York, the Fair Haven Business Men's Association, and other residents of the county of Cayuga, New York, who are patrons of the Lehigh Valley Railroad Company, having made complaint to this Commission against said company on account of the discontinuance of trains Nos. 281 and 284, running between the city of Auburn, New York, and the village of North Fair Haven, New York, and referred to on timetable No. 20, taking effect October, 1916, of said railroad; and the respondent having served an answer to the complaint; and the case having come on for a hearing before Commissioner Barhite at the city of Auburn on the 13th day of September, 1917, at which time A. J. Parker, esq., of the city of Auburn, New York, appeared for the complainants from the northern part of Cayuga county; Irving Bacon, esq., appeared for the Chamber of Commerce of the City of Auburn; and the respondent appeared by R. W. Barrett, esq., its assistant general solicitor, by George H. Lee, esq., its general passenger agent, and by W. W. Abbott, esq., its division superintendent; and it appearing by the proofs that the respondent did after the 27th day of May, 1917, discontinue the running of said trains and each of them; and the Commission after said hearing being of the opinion that by the discontinuance of said trains the service of the Lehigh Valley Railroad Company in respect to transportation of persons and property is inadequate upon its Auburn division between the city of Auburn and the village of North Fair Haven; and the Commission having determined that adequate service in

transportation of persons and property by the respondent between said city of Auburn and said village of North Fair Haven requires that said trains Nos. 281 and 284 be again run by respondent between the stations mentioned at the same time and upon the same schedule maintained previously to May 27, 1917, it is

Ordered: That the Lehigh Valley Railroad Company be and it is hereby directed to reinstate and run upon its Auburn division between the city of Auburn and the village of North Fair Haven, in the State of New York, trains Nos. 281 and 284, so mentioned upon timetable No. 20 of said railroad company taking effect Monday, October 9, 1916, and upon the same time and schedule as therein indicated, said trains to be in service each day except Sunday until the further order of this Commission..

Further Ordered: That this order shall take effect on the 12th day of November, 1917.

Further Ordered: That the Lehigh Valley Railroad Company is hereby directed within ten days after the service upon it of this order to notify this Commission whether the terms of this order are accepted and will be obeyed by it.

[Case No. 6189]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of JOHN J. NEIL under chapter 667, laws of 1915, for a certificate of convenience and necessity for the operation of a stage route by auto buses in the city of Batavia, it being proposed that the route shall also be operated between Batavia and the incorporated village of Avon, Livingston county.

John J. Neil of the village of Penn Yan, Yates county, New York, having filed with this Commission a petition asking for a certificate of convenience and necessity to operate a stage route or bus line in the city of Batavia, it being proposed that the route shall be operated between Batavia, LeRoy, Caledonia, and Avon; and the application upon said petition having come on to be heard at the city of Rochester, New York, on the 22nd day of September, before Commissioner Barhite, at which time petitioner appeared in person and by his counsel Roger E. Chapman, esq., of the village of Penn Yan, New York; and William H. Coon, esq., of Batavia, New York, having appeared for J. Ernest Sprague; and N. A. MacPherson, esq., of LeRoy, New York, having appeared for H. M. Bradbury, esq.; and George W. Watson, esq., of Batavia, New York, having appeared for Myron A. Russell, esq., all in opposition to said petitioner, John J. Neil, permission to operate an automobile bus line of the City of Batavia did on or about the 5th day of June, 1917, grant to said petitioner, John J. Neil, permission to operate an automobile bus line on and through the streets of Batavia, New York, thence easterly to the village of LeRoy and east; and due proof of due publication of notice of this hearing having been made and filed, and consideration having been had of the record and the proofs offered upon said hearing; and it appearing to this Commission that there is an electric surface street railroad in operation and carrying passengers through the principal street of the city of Batavia; and that there are two bus lines which operate over the streets of said city

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and carry passengers from points without said city to points within said city, and from points within said city to points outside the city limits; and that said street surface railroad and said bus lines are sufficient to provide service for all passengers who may desire to ride in, through, or over the streets of said city;

Ordered: That the application of John J. Neil for a certificate of convenience and necessity to operate a stage route or bus line in the city of Batavia be and the same is hereby denied.

Commissioner Irvine voted "No" on this order and filed a dissenting Opinion.

[Case No. 5926]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of OLEAN ELECTRIC LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$91,700 of its 7 per cent cumulative preferred stock.

Petition filed under date of March 2, 1917; hearing held May 23, 1917; reports of division of capitalization dated October 6, 1917, and October 15, 1917. The original petition filed in this proceeding asked for authority to issue 7 per cent cumulative preferred stock for the reimbursement of the treasury of the petitioner (\$36,000) and for exchange for a like par amount of common capital stock (\$55,700). Subsequently the application to issue preferred stock to be exchanged for common stock was withdrawn. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Olean Electric Light and Power Company is hereby authorized to issue \$36,000 par value of its 7 per cent cumulative preferred stock which may be sold at a price not less than the par value thereof to give net proceeds of at least \$36,000.

2. That said stock of the par value of \$36,000 so authorized, or the proceeds thereof to the amount of \$36,000, shall be used solely and exclusively for the reimbursement of the treasury of the petitioner for expenditures made from income from September 1, 1914, to December 31, 1916, for construction, completion, etc., of its plant and distribution system as set forth in exhibit B of the petition, \$35,913.50; excess, \$86.50.

3. That the Olean Electric Light and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used during such period of the proceeds of the stock herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds used the report shall set forth such fact.

4. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and property of the petitioner herein shall have been concluded, and such corrections if any which by reason of such examination this Commission shall determine to be proper and necessary shall have been made in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

5. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expense or to income.

[Case No. 6106]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of MCINTOSH & SEYMOUR CORPORATION under section 53, Public Service Commissions Law, for permission to construct a single track switch and siding in Auburn, crossing streets at grade; and for approval of a franchise received from the city.

The petitioner, McIntosh & Seymour Corporation, asks for permission, under section 53 of the Public Service Commissions Law, to construct an additional track siding crossing the extreme end of Kelsey street and crossing Orchard street at grade, in the city of Auburn, connecting with the tracks of The Lehigh Valley Rail Way Company, and reaching petitioner's manufacturing plant located at the corner of Monroe and Orchard streets; and for approval of a franchise granted by the common council of the City of Auburn June 19, 1917, and approved by the mayor June 20, 1917. It appears from the petition that the siding is to be constructed partly on the land of The Lehigh Valley Rail Way Company and partly on land of the petitioner. A public hearing was held in the city of Auburn on July 23, 1917, after due notice, at which Mr. Arthur E. Blauvelt appeared for petitioner, and Mr. Fred J. Blauvelt, division engineer, appeared for the Lehigh Valley Railroad Company. No one appeared in opposition. The Lehigh Valley Rail Way Company is the proprietor of the lines with which the sidetrack will connect. The Lehigh Valley Railroad Company is its lessee and is the operating company. On the hearing, the companies stated by their representative that they joined in the application. A copy of the assignment of the franchise from the McIntosh & Seymour Corporation to the railroad company for itself and the railway company has since been filed with the Commission. The railroad company will construct and operate the sidetrack. It appears to the Commission that the construction of said siding and switch connection is necessary and convenient for the public service, and it is therefore

Ordered: 1. That the permission of this Commission be and it hereby is given to The Lehigh Valley Rail Way Company and Lehigh Valley Railroad Company to lay, construct, maintain, and operate, at grade, across the extreme end of Kelsey street and across Orchard street, an additional track siding for freight from a connection in the existing tracks of The Lehigh Valley Rail Way Company, in the location and as indicated and shown in red on the blueprint map attached to and filed with the application herein, so that the same will extend from such connection about eight hundred and sixty-four feet, and about sixty feet of which crosses said Orchard street, and about twenty-three feet of which crosses the extreme end of Kelsey street; and about three hundred and sixty feet is to be constructed on the property of The Lehigh Valley Rail Way Company, and the remainder, about four hundred and twenty-one feet, upon the property of the petitioner, subject however to all the terms and conditions of aforementioned franchise; and provided that no engine or car shall be operated across Orchard street on said siding unless preceded by a flagman to warn approaching travel.

2. That the approval of this Commission be and it hereby is given to The Lehigh Valley Rail Way Company and Lehigh Valley Railroad Company to exercise the rights and privileges conferred by said franchise granted by the common council of the City of Auburn June 19, 1917, and approved by the mayor June 20, 1917, subject however to all the terms and conditions thereof.

3. That McIntosh & Seymour Corporation, The Lehigh Valley Rail Way Company, and Lehigh Valley Railroad Company shall notify this Commission within ten days after the service of this order as to their acceptance thereof.

[Case No. 6153]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the OLEAN ELECTRIC LIGHT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$40,000 in preferred stock, and \$150,000 in 5 per cent bonds secured by a first and refunding mortgage.

Petition filed July 31, 1917; reports of division of capitalization dated October 6 and 15, 1917; report of division of light, heat, and power dated October 9, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Olean Electric Light and Power Company is hereby authorized to issue \$155,000 face value of its 5 per cent series A first and refunding mortgage bonds under a certain indenture dated the 1st day of October, 1913, given to the Guaranty Trust Company of New York as trustee, to secure an authorized issue of a total face value of \$2,000,000.

2. That the Olean Electric Light and Power Company is hereby authorized to issue \$40,000 par value of its 7 per cent cumulative preferred capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That said bonds of the total face value of \$155,000 may be sold for not less than 80 per cent of their face value and accrued interest to give net proceeds of at least \$124,000.

4. That said bonds and stock of the aggregate face and par value of \$195,000 so authorized, or the proceeds thereof to the amount of \$164,000, shall be

used solely and exclusively for expenditures made and to be made for additions and betterments to the plant and property of the petitioner as detailed in exhibit B attached to the petition herein \$166,804.49: amount unprovided for \$2804.49, in so far as the same may be applicable, provided (a) that such securities or the proceeds thereof shall be applied on such new construction summarized above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Electrical Corporations adopted by this Commission; (b) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (c) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of the proceeds realized from the sale of such securities over the actual cost thereof shall be used for any purpose without the further order of this Commission; (d) that the prices contained in exhibit B of the petition are not intended to be and must not be construed by the petitioner as a present determination by the Commission of the actual cost of the work to be done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such work, the actual cost of which must be hereafter proven and established to the satisfaction of the Commission by expenditures which shall have been actually and properly made and subject both to the provisions of the Commission's Uniform System of Accounts for Electrical Corporations and to the conditions outlined herein.

5. That if the said securities of a total face and par value of \$195,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$166,804.49, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That the Olean Electric Light and Power Company is hereby permitted to pledge the bonds of the aggregate face value of \$155,000 herein authorized as collateral security for any of its loans, provided that the following prohibitions are observed: (a) That the principal of such loans for which said bonds are pledged shall in no event be less than 80 per cent of the face value of the bonds pledged as collateral security therefor; (b) that said bonds shall not be pledged for a greater period than one year from the date of this order without the further order of this Commission.

7. That the Olean Electric Light and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) the dates of sale or pledging of the securities herein authorized; (b) to or with whom such securities were sold or pledged; (c) what proceeds were realized from such sales; (d) the principal of each loan for which such bonds are pledged, their terms and interest rates; (e) the total face value of bonds herein authorized which remain pledged as collateral security for said loans on the closing date of such period; (f) any other terms and conditions of such transactions; (g) in detail the amount expended during such period of the proceeds of the securities herein authorized for each of the purposes set forth in exhibit B attached to the petition herein, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (h) a summary of the expenditures for each of such purposes during the period covered by the report. In reporting under subdivision (h) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period. Such reports shall continue to be filed until all of said securities

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shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

8. That the authority contained in this order to issue and pledge securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued or pledged pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the securities herein authorized and the money to be procured by the issue thereof are reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6173]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 17th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the NORTHERN NEW YORK UTILITIES, INC., under sections 68 and 69, Public Service Commissions Law, as to additional construction, and for authority to issue \$29,400 in common capital stock, \$171,300 in preferred stock, and \$477,000 in bonds under an existing mortgage.

Petition filed August 2, 1917; supplemental petition filed October 5, 1917; report of division of capitalization dated October 8, 1917; hearings held October 11 and October 16, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Northern New York Utilities, Inc., is hereby authorized to issue \$477,000 face value of its 50-year 5 per cent first and refunding mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of July, 1913, given to the Northern New York Trust Company (Columbia Trust Company, successor) as trustee, and supplement thereto dated March 11, 1915, to secure an authorized issue of bonds of a total face value of \$10,000,000.

2. That the Northern New York Utilities, Inc., is hereby authorized to issue \$200,700 par value of its capital stock, \$171,300 of which shall be classified as 7 per cent cumulative preferred capital stock and \$29,400 as common capital stock, which may be sold at a price not less than the par value thereof to give net proceeds of at least \$200,700.

3. That the Northern New York Utilities, Inc., is hereby authorized to pledge the \$477,000 face value of 50-year 5 per cent first and refunding mortgage bonds authorized to be issued by clause No. 1 of this order as collateral security for its 2½-year 6 per cent notes of the aggregate face value of \$381,600, provided that the principal of such notes for which said bonds are pledged shall in no event be less than 80 per cent of the face value of the bonds pledged as collateral security therefor.

4. That the Northern New York Utilities, Inc., is hereby authorized to issue \$381,600 face value of its 2½-year 6 per cent notes and to sell the same for

not less than 95 per cent of their face value and accrued interest to give net proceeds of at least \$362,520.

5. That the Northern New York Utilities, Inc., in the alternative, is hereby authorized to issue \$381,600 par value of its 7 per cent cumulative preferred capital stock, in addition to such stock as it may issue under the authorization contained in clause No. 2 hereof, which stock shall be used solely and exclusively for the purpose of retiring by exchange at par the 2½-year 6 per cent notes hereinbefore authorized to be issued at any time prior to their maturity, provided that upon the exchange of such notes for stock the said notes shall be canceled and the bonds which have been pledged as security for said notes shall be returned to the treasury of the company and shall not again be issued without the consent of this Commission.

6. That said notes herein authorized, aggregating \$381,600 or any part thereof, may be exchanged at face value for bonds of the issue herein authorized during the term of the notes at the following prices, viz., during the first year at 90 per cent, during the second year at 91 per cent, and thereafter at 92 per cent, interest to be adjusted as of the date of exchange.

7. That said securities so authorized, or their proceeds, to wit, 2½-year 6 per cent notes \$362,520, 7 per cent cumulative preferred capital stock \$171,300, common capital stock \$29,400: \$563,220, shall be used solely and exclusively for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets from August 1, 1915, to June 30, 1917, inclusive, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation, or for the payment of debt incurred thereby.	\$646,408.97
Less expenditures in connection with authorizations in case No. 5055 as set out in the petition herein.....	106,421.93
	<hr/> \$539,987.04
(b) For the reimbursement of the treasury of the petitioner in place of amount exempted from capitalization by order in case No. 5055 dated December 28, 1915, being value of property substituted for a like amount sold	21,342.61
(c) For the construction of a proposed transmission line from Natural Bridge to South Edwards, N. Y., as detailed in exhibit B of the petition herein	56,847.38
	<hr/> \$618,177.03
Unprovided for	\$64,957.03
Less amount which will have been provided if and when 2½-year 6 per cent notes are exchanged at par for 7 per cent cumulative preferred stock as authorized in ordering clause 5 herein.....	19,080.00
	<hr/> \$35,877.03

Net amount unprovided for.....

in so far as the same may be applicable, provided (1) that such securities or the proceeds thereof shall be applied on such new construction summarized in subdivision (c) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Electrical and Gas Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of the proceeds realized from the sale of such securities over the actual cost thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit B of the petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the work to be done and thus properly chargeable to fixed capital, but are intended and shall be construed only to

be a present estimate of the probable cost of such work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform Systems of Accounts for Electrical and Gas Corporations.

8. That the Northern New York Utilities, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) the dates of sales, exchanges, or pledging of securities authorized herein; (b) to or with whom such securities were sold, exchanged, and pledged; (c) the amount face or par value of bonds or stock delivered in exchange for and for retirement of notes authorized herein and the basis upon which such exchange was made; (d) what proceeds were realized from such sales; (e) the principal of each loan for which such bonds are pledged; (f) the total face value of bonds which remain pledged as collateral security for said notes on the closing date of such period; (g) any other terms and conditions of such transactions; (h) with respect to subdivisions (a) and (b) of clause No. 6 of this order there shall be shown the amounts used therefor of the proceeds of the securities herein authorized; (i) with respect to subdivision (c) of clause No. 6 of this order there shall be shown (1) in detail the amount expended therefor during such period of the proceeds of the securities herein authorized and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of the purposes set forth in exhibit B of the petition during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures for such purposes during such period. Such reports shall continue to be filed until all of said securities herein authorized shall have been sold, exchanged, or disposed of and the proceeds used and expended in accordance with the authority contained herein, and if during any period no securities were sold, exchanged, or pledged, or proceeds expended or used, the report shall set forth such fact.

9. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and property of the petitioner herein shall have been concluded, and such corrections if any which by reason of such examination this Commission shall determine to be proper and necessary shall have been made in the accounts of said company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

10. That the authority contained in this order to issue, pledge, and exchange securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued, pledged, or exchanged pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

11. It is expressly provided that the City of Watertown, having objected to the capitalization of certain of the corporate expenditures for which reimbursement of the petitioner's treasury is sought herein, in any future inquiry as to or proceeding to fix the rates and charges of the petitioner corporation, whether instituted by this Commission or by the City of Watertown, shall be fully privileged to question and contest the propriety of capitalizing the above mentioned expenditures for rate making purposes as well as for similar purposes, to question and contest the alleged cost and value of the property for acquisition of which such expenditures have been made.

Finally, it is determined and stated that in the opinion of the Commission the securities herein authorized and the money to be procured by the issue thereof are reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 of the Railroad Law, as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modifications asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of The New York Central Railroad Company and the Bronx Parkway Commission as indicated by the respective signatures of the manager of the Grand Central Terminal Improvements of the railroad company, and the engineer and secretary of the Bronx Parkway Commission upon a plan marked "Map 370," showing the 91½ foot span reinforced concrete arch, a part of the Broad Street viaduct connecting the cities of Mount Vernon and Yonkers, to be constructed pursuant to a determination of this Commission dated December 16, 1915, in the matter above entitled; and upon the approval of the authorities of the cities of Mount Vernon and Yonkers as indicated by the respective signatures on said plan of the mayor of the City of Mount Vernon and the city engineer for the City of Yonkers, it is

Ordered: That said plan be and it is hereby approved.

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[Case No. 2492]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY under section 91 of the Railroad Law, relative to the closing and discontinuance of the Conklin Avenue grade crossing of said company's railroad, and the construction of a new piece of street and an overhead bridge crossing of said railroad at another point in the city of Binghamton.

The work covered by the Commission's determination in the matter above entitled having been entirely completed in accordance with the requirements of said determination, and to the satisfaction of this Commission and the City of Binghamton as shown by letter dated October 10, 1917, from the Commissioner of Public Works, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5135]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the UNION SPRINGS LIGHT AND POWER COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$25,000 6 per cent bonds. Supplemental order.

Petition filed September 4, 1915; report of electrical engineer dated October 15, 1915; revised form of mortgage filed April 14, 1916; order entered April 27, 1916; supplemental petition filed July 15, 1916; amendatory order entered July 25, 1916; second supplemental petition filed October 15, 1917. By previous orders herein the Union Springs Light and Power Company was authorized to execute a mortgage for \$50,000, to issue thereunder 6 per cent 30-year first mortgage bonds in the face amount of \$25,000, to sell such bonds for not less than 90 per cent of their face value, and to use the proceeds realized from such sale for the discharge of an outstanding mortgage, for proposed construction, and for working capital as enumerated in said orders. The authorities granted by such orders have not been exercised, and since the entry thereof changes have taken place in the control and management of the company, which by supplemental petition filed under date of October 15, 1917, now asks that said orders be canceled and revoked. Now therefore, upon the foregoing record,

Ordered: That the orders entered herein on the 27th day of April and 25th day of July, 1916, are hereby vacated and this case is closed upon the records of the Commission.

[Case No. 5244]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the TOWN BOARD OF THE TOWN OF SOUTHAMPTON, Suffolk county, under section 91 of the Railroad Law for a determination as to the manner in which a new highway shall cross the Long Island railroad at Good Ground.

The work covered by the Commission's determination of January 11, 1916, in the above entitled matter having been entirely completed in accordance with the requirements of said determination and approved detail plans to the satisfaction of The Long Island Railroad Company, the Town of Southampton, and this Commission, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of GOWANDA LIGHT AND POWER CORPORATION under section 70 of the Public Service Commissions Law for consent to the transfer to it of the franchises, works, and system of the electric plant of the Keyes Electric Company, in the incorporated village of Gowanda, Cattaraugus county.

Superseding
order.

Petition filed March 23, 1916; hearings held September 22 and October 20, 1916; order entered October 31, 1916; report of division of capitalization dated October 19, 1917. This matter was brought to the Commission upon an application for the Keyes Electric Company to transfer, and for the Gowanda Light and Power Corporation to purchase, all the franchises, works, and system of the former company in the village of Gowanda, Cattaraugus county; the petition is signed only by the Gowanda Light and Power Corporation, but at a hearing duly held by the Commission in this case in the city of Buffalo on the 22nd day of September, 1916, that omission was cured by the filing as exhibit 1 of a certified copy of the duly executed deed of conveyance from the said Keyes Electric Company to the said Gowanda Light and Power Corporation of all the franchises, real property, water rights, personal property, and all their assets, which together constitute the works and system of the Keyes Electric Company, located in the village of Gowanda, Cattaraugus county. It satisfactorily appears to the Commission from the proofs and proceedings taken and had on said hearing that the Gowanda Light and Power Corporation was incorporated in the year 1915, and received said transfer and conveyance from the Keyes Electric Company, which has

operated in said village for a number of years, and which company has determined to go out of business; that pursuant to said deed dated August 17, 1915, the said Gowanda Light and Power Corporation immediately took over the business of said Keyes Electric Company, and has continued the same ever since, and has made large additions to said plant and increased the business thereof, and is now operating in the streets of the village of Gowanda with the consent of the local authorities, although there has not been presented to the Commission any proof of an existing franchise therefor in favor of either of said companies, and no approval of said transfer has been made by the Commission. The consideration of said transfer was the sum of \$15,600, which was paid in cash to the said Keyes Electric Company by the Gowanda Light and Power Corporation, and the latter company also assumed and agreed to pay a certain mortgage upon said plant upon which there was then unpaid the sum of \$6760.30. The Commission is satisfied that said consideration price was fair and reasonable for the said property, works, and system. On said hearing there was no opposition to the said petition; and George A. Larkin of Olean appeared as attorney for the petitioner, and H. R. Waldorf of Gowanda, manager of the Gowanda Light and Power Corporation, also appeared; and at a subsequent hearing held in this case in the city of Buffalo on the 20th day of October, 1916, the representatives of said petitioner announced that a careful search had been made, and that they were unable to find any franchise in favor of either of said corporations granted by the municipal authorities of the Village of Gowanda; and that the said Gowanda Light and Power Corporation would immediately take steps to procure a franchise in said village, and come to the Commission with an application for its approval in a separate proceeding. It is therefore

Ordered: That permission and approval *nunc pro tunc* are hereby given to the said transfer and conveyance by the Keyes Electric Company to the said Gowanda Light and Power Corporation of all its property, works, and system which are mentioned in said conveyance dated August 17, 1915, the consideration of which is the said sum of \$15,600 in cash, paid by the said Gowanda Light and Power Corporation to the said Keyes Electric Company, and the assumption by the former company of the mortgage upon said property amounting to the further sum of \$6760.30.

[Case No. 5708]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the TOWN BOARD AND SUPERINTENDENT OF HIGHWAYS, TOWN OF RIPLEY, Chautauqua county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, THE NEW YORK, CHICAGO AND ST. LOUIS RAILROAD COMPANY, and RECEIVER OF THE BUFFALO AND LAKE ERIE TRACTION COMPANY as to protection of the crossing at grade of said railroads and a highway.

This Commission having heretofore and on the 27th day of January, 1917, made its order wherein and whereby the respondents, The New York Central Railroad Company and The New York, Chicago and St. Louis Railroad Company, were required to station and continuously maintain a flagman at the grade crossing known as the Forsyth Crossing, near the village of Ripley.

Chautauqua county, N. Y., and that said flagman should be stationed and maintained by said railroad companies in such a manner as to adequately protect the crossings of both the railroads crossing said highway; and said respondents having complied with the provisions of said order and stationed flagmen at said crossing; and said respondents having thereafter asked that the case be opened and that they should have an opportunity to present further proofs; and said case having been opened by this Commission, and the said respondents having presented additional proof before Commissioner Barhite in the city of Buffalo on the 25th day of May, 1917, and negotiations having been had with said railroad companies concerning the kind of protection that they should install at said crossing; and each of said railroad companies having agreed to install two automatic signals of the wig-wag type, and it appearing to this Commission that such signals will afford adequate protection to the public traveling along the highway and over said crossing,

Ordered: That the respondents, The New York Central Railroad Company and The New York, Chicago and St. Louis Railroad Company, shall maintain at said Forsyth Crossing the flagman now maintained by said respondents until and including the 31st day of October, 1917.

Further Ordered: That the respondent The New York Central Railroad Company be and it is hereby required to install, on or before the 1st day of April, 1918, at the crossing over its railroad near the village of Ripley, Chautauqua county, N. Y., known as the Forsyth Crossing, two automatic signals of the wig-wag type: one to be located north of the northernmost track of said railroad in such position as to be plainly visible to eastbound traffic on the highway when said traffic is a reasonable distance from the nearest track, and the other signal to be located south of the southernmost track of said railroad in such position as to give the maximum possible view to approaching westbound traffic on the highway.

Further Ordered: That The New York, Chicago and St. Louis Railroad Company be and it is hereby required to install, on or before the 1st day of April, 1918, two automatic signals of the wig-wag type at the crossing hereinbefore mentioned and described, one to be located north of the northernmost track of said railroad in such position as to give the maximum possible clear view to approaching eastbound traffic on the highway, and the other to be located south of the southernmost track of said company in such position as to be plainly visible to westbound traffic on the highway when such traffic is a reasonable distance from the nearest track.

Further Ordered: That the signals to be erected by each railroad company shall be designed to operate on the approach of a train on any track of said railroad, except that the signals erected by the respondent The New York, Chicago and St. Louis Railroad Company need not operate upon the approach of a train upon the sidetrack of said railroad; and each of said signals shall indicate the approach of a train by means of a swinging red disc containing the word "Stop" and a lighted red lamp attached to said disc, which indication shall continue until said train has passed beyond the crossing, and that when no train is approaching said disc shall be concealed and said lamp extinguished; and that when for any reason said signal shall be out of order or inoperative a proper indication thereof shall be displayed by the disc being visible and the lamp illuminated.

Further Ordered: That the respondents, The New York Central Railroad Company and The New York, Chicago and St. Louis Railroad Company, shall each within ten days after the receipt by it of a copy of this order notify this Commission whether the terms of this order are accepted and will be obeyed by it.

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[Case No. 5755]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the BOARD OF SUPERVISORS OF ONONDAGA COUNTY and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY (lessee Syracuse, Binghamton and New York Railroad) under section 91 of the Railroad Law as to the elimination of two highway grade crossings of the Syracuse, Binghamton and New York railroad in the county of Onondaga.

Upon the recommendation of The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer upon various plans comprising a portfolio, showing various classes of work required to be performed under the original and modified determinations of this Commission in the matter above entitled; and upon the approval of the County of Onondaga as similarly indicated upon said plans by the signature of F. E. Bogardus, county superintendent of highways, it is

Ordered: That said plans be and are hereby approved.

[Case No. 5950]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of OVID ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$17,000 in common capital stock.

Petition filed under date of March 28, 1917; report of division of capitalization dated June 7, 1917; report of division of light, heat, and power dated June 18, 1917; final report of division of capitalization dated October 8, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Ovid Electric Company is hereby authorized to issue \$14,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least \$14,000.

2. That said stock of the par value of \$14,000 so authorized, or the proceeds thereof to the amount of \$14,000, shall be used solely and exclusively for the following purposes:

(a) For the reimbursement of its treasury for expenditures from income for capital purposes from January 1, 1913, to December 31, 1916.....	\$1,725.35
(b) For the discharge of indebtedness outstanding at December 31, 1916, as detailed in the petition.....	6,606.74
(c) For working capital.....	5,667.41
	<hr/>
	\$14,000.00

provided that such working capital shall not be disbursed by the petitioner for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

3. That the Ovid Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivisions (a) and (c) of clause No. 2 of this order there shall be shown the amount used therefor during such period of the proceeds of the stock herein authorized for the purposes specified herein; (g) with respect to subdivision (b) of clause No. 2 of this order there shall be shown in detail the amount expended therefor during such period of the proceeds of the stock herein authorized for the purpose specified therein. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

4. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated October 8, 1917, which was on that date sent to the corporation, such entries being listed in exhibit E, pages 15 and 16 thereof, shall be entered upon the books of the Ovid Electric Company, and that within thirty days of the service of this order verified proof shall be submitted to the Commission that such entries have been made.

5. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5995]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of AMERICAN CONDUIT
COMPANY against OSWEGO RIVER POWER TRANSMIS-
SION COMPANY, asking that wires be raised at Fulton.

The complaint in this case having been investigated by the Commission, and it appearing that the respondent has rearranged its wires on the premises of the complainant so as to enable The New York Central Railroad Company to safely operate cars over a switch track leading into the premises of the complainant; and it also appearing that the interested parties are negotiating

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the form of contract covering the arrangement and location of the wires on the premises of the respondent, it is

Ordered: That the complaint herein be and the same hereby is dismissed, with the right to the complainant to reopen the case in the event that it is advised that further action in the matter by the Commission is required.

[Case No. 6007]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of NIAGARA, LOCKPORT AND ONTARIO POWER COMPANY and SALMON RIVER POWER COMPANY under section 69, Public Service Commissions Law, as to the Niagara company issuing \$1,482,128 in notes or debentures; and as to the Salmon River company issuing \$546,000 in refunding notes; under section 70, Public Service Commissions Law, as to Niagara company acquiring capital stock, said refunding notes, and other notes of Salmon River company.

Petition filed April 25, 1917; amended petition filed October 13, 1917; report of division of capitalization dated October 17, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Niagara, Lockport and Ontario Power Company is hereby authorized to acquire 503 shares, each of \$100 par value, aggregating a par value of \$50,300, of the common capital stock of the Salmon River Power Company.

2. That the Niagara, Lockport and Ontario Power Company is hereby authorized to issue \$50,300 par value of its 6 per cent cumulative first preferred capital stock, which may be sold at a price not less than the par value thereof to give net proceeds of at least that sum.

3. That said stock of the par value of \$50,300 so authorized or the proceeds thereof of like amount shall be used solely and exclusively for the acquisition of \$50,300 par value of common capital stock of the Salmon River Power Company now owned by the following: Fred D. Corey, \$30,600 par value; John J. Albright, \$19,700 par value.

4. That the Niagara, Lockport and Ontario Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount used during such period of the proceeds of the stock herein authorized for the purpose specified herein. Such report shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended the report shall set forth such fact.

5. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good

faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service of this order the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6062]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Increase in Freight Rates by
fifteen per cent proposed by carriers generally in
schedules to take effect July 1, 1917.

The Commission by notice dated June 19, 1917, entered upon a proceeding of investigation concerning the propriety of the proposed freight rates, regulations, and practices stated in special freight tariff supplements which were filed by various railroad companies and other common carriers prior to May 13, 1917, to take effect July 1, 1917, and which were to effect a general increase by fifteen per cent in the rates for the transportation of freight traffic, except coal, coke, and iron ore, between points in this Commission's jurisdiction. By order dated June 27, 1917, the operation of the said special freight tariff supplements was suspended, and the use of the rates, regulations, and practices therein deferred until the 28th day of October, 1917. By supplemental order No. 1 in this case dated July 6, 1917, and by subsequent special permissions on various dates, authority has been given by this Commission to carriers subject to its jurisdiction or their duly authorized agents to file schedules withdrawing and canceling the special freight tariff supplements containing the increased rates that were filed to take effect July 1, 1917, and which had been suspended until October 28, 1917. The records of this Commission's division of tariffs, showing that all special freight tariff supplements which by this Commission's order of June 27, 1917, in this case were suspended until October 28, 1917, have now been withdrawn and canceled, and that there is now no cause for further action in this matter by this Commission, it is

Ordered: That this case be and it is hereby closed on the records of this Commission.

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[Case No. 6102]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE LEWIS AND HALL TELEPHONE COMPANY, INC., for authority to issue *nunc pro tunc* April 25, 1911, three shares of common capital stock.

Petition filed June 18, 1917; affidavit showing receipt of cash to make stock fully paid in at par filed October 22, 1917; report of division of capitalization dated October 23, 1917. Now therefore, upon the foregoing record,

Ordered: That the issuance by The Lewis and Hall Telephone Company, Inc., on April 25, 1911, of three shares of its common capital stock, each of the par value of \$100, the sale of such stock at par, and the use of the proceeds realized from such sale for the following purposes: Purchase of 34 second-hand telephone sets \$119; 1 automobile truck (part payment) \$136; working capital \$45: \$300; is hereby authorized *nunc pro tunc*.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the stock herein authorized *nunc pro tunc* was reasonably required for the purposes described in this order, and that such purposes were not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6121]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF CAYWOOD, BURDETT, ODESSA, VALOIS, AND OTHER POINTS BETWEEN VAN ETTEN AND GENEVA *against* LEHIGH VALLEY RAILROAD COMPANY as to discontinuance of certain passenger trains on the main line.

The hearing in the above entitled matter having come on to be heard before Commissioner Barhite at the common council chamber in the city of Geneva on the 10th day of September, 1917; at which time E. J. Cook, esq., appeared as attorney for the Geneva Chamber of Commerce; and E. G. Porter, esq., of Caywood, New York, and others appeared for the complainants; and R. W. Barrett, esq., of New York city, appeared as attorney for the Lehigh Valley Railroad Company; and the evidence having been taken, and at the conclusion of said testimony it having been agreed that the complainants would be satisfied provided that the direction in which trains Nos. 131 and 132 were then running should be reversed; and the respondent the Lehigh Valley Railroad Company having put in effect a schedule reversing the direction in which said trains run: No. 132 under said schedule leaving Geneva at 3:45 p. m. and

reaching Sayre at 6:30 p. m., and train No. 131 leaving Sayre at 6:10 a. m. and reaching Geneva at 8:40 a. m., it is

Ordered: That the above case be and the same is hereby closed upon the books of the Commission.

[Case No. 6131]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of ISAAC R. BREEN as mayor of Watertown against BLACK RIVER TRACTION COMPANY as to operation of its railroad in Watertown.

Complaint filed July 15, 1917; answer filed July 25, 1917; hearing held in the city of Watertown on September 8, 1917. Appearances: Harold L. Hooker, city attorney for the City of Watertown, for the complainant; Messrs. Cobb and Cosgrove for the respondent. The Commission was requested by the complainant in this case to investigate the management and operation of the street railway of the respondent, claiming that the motormen and conductors on its cars were unfit to perform their duties, and that the cars were not being operated in a safe, proper, and efficient manner; but that on the contrary the rules of the respondent were being continuously violated by its operatives, and that because of the inefficient and improper and unsafe service the people of the city of Watertown were suffering considerable inconvenience. It seems that during the month of June the former employees of the respondent left the road because of their inability to agree with the management of the company concerning the working conditions and wages. Thereafter the company endeavored to employ other men to operate its cars, and at the time the complaint was filed with the Commission there was more or less disturbance in Watertown due to the fact that the company was operating its cars with so called "strikebreakers". It appeared on the hearing that the company was making every reasonable effort to operate its cars satisfactorily and safely and for the convenience of the public. Many witnesses were called, some of whom were the former employees of the company, and the occasions when the cars were improperly operated as testified to by these witnesses proved to be about the time the complaint was filed or prior thereto. No evidence of any improper operation as of the time of the hearing was presented for the consideration of the Commission. It also appeared that none of these so called strikebreakers are now operating the cars of the company, but that practically all of the motormen and conductors are men who formerly resided in or near Watertown. There is nothing in the record to the effect that the cars of the company are being improperly operated at the present time, or that the service is not substantially as good as it was prior to June, 1917. In addition to this, since the complaint was made two examinations of the road were made by the electric railroad inspector of this Commission, pursuant to directions from the Commission, on July 20th and September 26th and 27th, for the purpose of ascertaining whether the company was operating its cars properly and endeavoring to give good service to the public. These reports show that reasonable car service is being furnished in the city of Watertown, and that the company is using its best efforts to provide such additional facilities as may be required to improve the safety of its operations. Under the circumstances, the Commission is of the opinion after due investi-

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gation that the Black River Traction Company is furnishing safe and adequate service and facilities to the public, and it is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 5144]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES G. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF YORKTOWN HEIGHTS, Westchester county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY (Putnam Division) as to discontinuance of trains Nos. 32, 79, and 21 (passenger).

The above entitled matter having come on to be heard before Commissioner Barhite at the office of the Commission in New York city on the 26th day of September, 1917, at which time C. C. Fenno, esq., of White Plains, New York, appeared for the complainants; George H. Walker, esq., Grand Central Terminal, New York city, for the respondent; and after the evidence had been taken, the parties having agreed that it would satisfy the requirements of complainants to have train No. 37 on the schedule of July 1, 1917, of the Putnam division of the respondent, leaving 155th Street, New York city, on said schedule at 10:38 p. m., start from said station at about 11 o'clock p. m. and run to Yorktown Heights; and the respondent having put into effect a schedule effective on the 14th day of October, 1917, wherein said train No. 37 leaves 155th Street, New York city, at 11:05 p. m. and runs through to Yorktown Heights, arriving at said station at 12:37 a. m., it is

Ordered: That the above entitled case be and the same is hereby closed on the books of the Commission.

[Case No. 6198]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of GROTON ELECTRIC POWER CORPORATION under section 68, Public Service Commissions Law, for permission to construct in the incorporated village of Groton, Tompkins county, an electric plant; and for approval of a franchise therefor received from said village.

Upon the facts found and for the reasons stated in the accompanying Opinion it is

Ordered: That the application of the petitioner be and the same hereby is denied.

[Case No. 6218]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of COOPERSTOWN AND CHARLOTTE VALLEY RAILROAD COMPANY under section 54 of the Railroad Law (as amended by chapter 564, laws of 1915) for consent to the discontinuance of the services of an agent at the Phoenix Mills station, near Cooperstown.

Petition filed September 27, 1917; hearing held at the office of the Commission in the city of Albany on October 9, 1917. Appearances: Lewis E. Carr for The Delaware and Hudson Company; no one in opposition. This is an application of The Delaware and Hudson Company (Cooperstown and Charlotte Valley Railroad Company) for permission to discontinue Phoenix Mills, on its Cooperstown branch, as an agency station. An affidavit was filed by the petitioner at the hearing showing that the notice of hearing had been duly posted at the station at Phoenix Mills on October 6, 1917. Phoenix Mills is a rural community about 2.3 miles south of Cooperstown. The petitioners introduced some figures covering a period of years showing that the revenue at this station from both freight and passenger business was gradually declining. The outbound business is principally milk and cheese. Under the plan proposed by the railroad company if its application is granted, there will be a caretaker in charge of the station to see that it is properly heated and lighted and kept open for the accommodation of passengers before and after the arrival of trains. He will also take care of incoming less than carload freight, and incoming carload freight will be placed on the present sidetrack at Phoenix Mills for unloading. Similarly, carload freight will be loaded at the station as heretofore, but billed from the next agency station. This plan will also provide that all incoming freight to Phoenix must be prepaid. The passenger trains will stop at this station as heretofore. No tickets will be sold at the station but the passengers will pay their fares on the trains. The railroad company claims that the proposed arrangement will enable it to effect a saving in operating expenses and will not be prejudicial to the public. While there has been some complaint made to the Commission with regard to the discontinuance of an agent at this station, yet it is believed that this was more or less due to a misunderstanding of the manner in which the railroad company proposes to handle business at this point. Furthermore, no one appeared in opposition at the hearing, so that we may perhaps properly infer that there is no real objection to the plan herein outlined. In view of the facts which have been developed in this case, and having in mind that every reasonable assistance should be given to the railroad companies to effect economies in operation if it can be done without detriment to the public interests, the Commission is of the opinion that the application should be granted. It is therefore

Ordered: 1. That the consent of this Commission be and the same hereby is given to The Delaware and Hudson Company to discontinue the Phoenix Mills station on the Cooperstown and Charlotte Valley railroad known as the "Cooperstown Branch," as an agency station, upon three days' notice to the public and to this Commission.

2. That said station shall be maintained for passenger and freight business as a prepaid or non-agency station in the manner hereinbefore stated and according to the general practice at similar stations of The Delaware and Hudson Company, and that it shall cause the waiting room in said station to be heated when necessary for the comfort of passengers, and to be lighted

during the hours of darkness for at least thirty minutes prior to the arrival time of each passenger train scheduled to stop at such station, and thereafter until the same is closed. Such waiting room shall be kept open for the convenience of passengers for a period of at least thirty minutes prior to the scheduled time for the arrival of trains scheduled to stop thereat, and until the departure thereof; and when occasion requires due to weather conditions or otherwise, for such a reasonable period after the departure of trains as may be necessary and convenient for the patrons of the railroad.

3. This order is made without prejudice to an application by the patrons of said railroad at some future time for the restoration of an agent at this station upon showing the necessity therefor.

4. That The Delaware and Hudson Company shall notify the Commission within ten days after the date of this order whether it accepts the same and will agree to comply in all respects with the terms and conditions thereof.

[Case No. 6221]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 23rd day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petitions of DEER RIVER RAILROAD CORPORATION and WILLARD B. VAN ALLEN as to transfer of the former Carthage and Copenhagen railroad to the Corporation; and as to exercise of the franchises and operation of the railroad and issuance of capital stock by the Corporation.

Petition filed September 27, 1917; report of division of capitalization dated October 10, 1917; hearing held October 23, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the consent of this Commission is hereby given to the transfer to the Deer River Railroad Corporation of the franchise or franchises of the former Carthage and Copenhagen Railroad Company, and to the exercise of all of the rights and privileges of the franchise or franchises so transferred to it, subject however to all the terms and conditions thereof.

2. That the Deer River Railroad Corporation is hereby authorized to acquire the steam railroad property and appurtenances formerly owned by the Carthage and Copenhagen Railroad Company, and to operate the property so acquired.

3. That the Deer River Railroad Corporation is hereby authorized to issue \$100,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least that amount.

4. That said stock of the par value of \$100,000 so authorized, or the proceeds thereof to the amount of \$100,000, shall be used solely and exclusively for the following purposes:

(a) For the acquisition of the steam railroad property and appurtenances formerly owned by the Carthage and Copenhagen Railroad Company which were sold at foreclosure on the 14th day of August, 1917, consisting of approximately 8½ miles of standard gauge steam railroad between Carthage and Copenhagen.....	\$39,025.00
(b) For the purchase of equipment and for the necessary expenses incurred in rehabilitating and equipping the property to be acquired as detailed in a statement filed in this proceeding under date of October 18, 1917.....	60,975.00
	\$100,000.00

5. That no expenditures from the proceeds of the stock herein authorized for services or expenses incident to the reorganization or sale at foreclosure of the Carthage and Copenhagen Railroad Company or for the organization of the Deer River Railroad Corporation shall be charged to cost of road and equipment until the details of such expenditures or proposed expenditures shall have been submitted to and approved by this Commission.

6. That the Deer River Railroad Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount of such proceeds used during such period for the purposes specified in this order. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds used the report shall set forth such fact.

7. That the Deer River Railroad Corporation shall charge to the prescribed accounts under the Classification of Investment in Road and Equipment for Steam Roads promulgated by the Interstate Commerce Commission and adopted by this Commission, the actual cost to it of the property of the former Carthage and Copenhagen Railroad Company herein authorized to be acquired, which cost shall be \$39,025, and that the company shall within sixty days after the acquisition of such property file a detailed report showing the allocation to such prescribed accounts of this purchase price and the other expenses in the equipping and rehabilitating of the property, which allocation shall be subject to the approval of this Commission.

8. That the authority contained in this order to issue stock and acquire property is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued or property acquired pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 156]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law for the elimination of grade crossings over the New York and Harlem railroad in the village of White Plains.

In the matter of the Joint Petition of the CITY OF WHITE PLAINS and THE NEW YORK CENTRAL RAILROAD COMPANY for a modification of the order of this Commission dated April 10, 1912: the modification asked for being with respect to the location, construction, and design of an overgrade crossing of the railroad near Tibbetts avenue, in the city of White Plains.

**Fourth
modification
of order.**

By joint petition, undated, but received by this Commission on or about the 27th of June, 1917, The New York Central Railroad Company and the City of White Plains have prayed this Commission for a modification of its order of April 10, 1912, herein, which provided for the elimination of grade crossings of the New York and Harlem railroad in the city of White Plains, in so far as said last mentioned order relates to the Tibbetts Avenue crossing, for a determination that in place of the provisions in said order for the Tibbetts Avenue crossing an overgrade crossing be constructed upon a line and location adopted by the Bronx Parkway Commission for the proposed Bronx Parkway drive, and for the approval of the terms and conditions of a contract entered into between the above named parties covering the construction of such crossing and the payment of costs. The order of the Commission of April 10, 1912, as to the White Plains crossings (Railroad avenue, Hamilton avenue, and Tibbetts avenue), provided that the Tibbetts Avenue crossing shall be "carried over the railroad tracks by an overhead crossing about twenty-six feet in width center to center of girders at a point about two hundred and twenty feet north of the existing grade crossing of Tibbetts avenue". While all of the other work embodied in the Commission's said order has been carried out, with the knowledge and tacit approval of this Commission, no work has been done at the Tibbetts Avenue crossing for the reason that the Bronx Parkway Commission in constructing its Parkway drive found it necessary to cross the railroad at some point not at once accurately determined in the vicinity of Tibbetts avenue, which construction would render the overgrade crossing at Tibbetts avenue provided for in the Commission's order superfluous, if not actually useless. It is now proposed, as set forth in said petition, to build a concrete viaduct over the railroad tracks at a point approximately seven hundred feet south of the existing Tibbetts Avenue grade crossing, connecting the same on each side of the railroad with new driveways to be laid out and improved, all as approximately shown upon a general plan hereinafter referred to. It further appears that the cost of the completed work if carried out according to this modified plan as last above mentioned and described is estimated to be largely in excess of forty-one thousand six hundred dollars (\$41,600) in the aggregate, which is the sum originally set aside as the cost of the overgrade crossing contemplated under the Commission's original order. It further appears that it has been determined and agreed by and between the said The New York Central Railroad Company, the City of White Plains, and the Bronx Parkway Commission, that in case the proposed modified plan

shall receive the approval of this Commission so much of the entire cost of the completed work, including construction, the cost of land, land damages, and all claims and demands whatsoever on account thereof as shall exceed the aforesaid sum of forty-one thousand six hundred dollars (\$41,600) originally estimated as the cost of said elimination, shall be borne and paid for by the Bronx Parkway Commission; and that neither said railroad corporation, the State of New York, nor the City of White Plains shall be required to pay for said work of construction, land, land damages, claims, or demands whatsoever, including cost of any land, if such has already been acquired for the purpose of carrying out the original order, any more than their proportionate shares respectively as fixed by statute of the sum of forty-one thousand six hundred dollars (\$41,600). A hearing upon this petition, after statutory notice to the applicants and all other interested parties, was held by this Commission in New York city on October 12, 1917, the City of White Plains, the Bronx Parkway Commission, The New York Central Railroad Company, and several owners of property being represented. At this hearing no opposition was expressed to the proposition, and a plan marked "Exhibit A" was submitted showing the alignment and an elevation of the proposed structure and its approaches, said plan being on file with the papers in the case and bearing the following approval signatures: Harrington M. Thompson, mayor, for the City of White Plains; George A. Harwood and W. F. Jordan, respectively engineering assistant to the vice-president, and manager Grand Central Terminal Improvements, for the railroad company; and Madison Grant and Jay Downer, respectively president, and engineer and secretary, for the Bronx Parkway Commission. It appears that the location of the proposed new structure will afford access by the people of White Plains to the proposed parkway fully as well as the Tibbetts Avenue structure provided for in the previous order would have done. Attention was also called at the hearing to the fact that if the existing order is carried out the structure would have to be built across land now owned by the City of New York under the control of the Bronx Parkway Commission and that probably the consent of the city for the use of this land for such a purpose could not be secured. In view of the advantages that would result from the construction of a more permanent, elaborate, and commodious structure combined with easy approach grades, the fact that such a structure will apparently better serve the public requirements and convenience, and the consideration that the State's share of the cost will not be increased beyond the original estimate thereof, the Commission has finally determined to grant the petition; and therefore hereby

Orders: 1. That under the terms and provisions of the contract entered into between the parties at interest, namely The New York Central Railroad Company, the City of White Plains, and the Bronx Parkway Commission, the petition for a modification of the order previously made in so far as the same relates to said Tibbetts Avenue crossing be granted, and that the elimination of said crossing and the changing thereof from grade shall be accomplished by the construction of a concrete arch viaduct and approaches thereto by means of which the highway traffic may be carried over the grade of the railroad at a point about 700 feet southerly of the present Tibbetts Avenue crossing, substantially as shown upon a blueprint (exhibit A) hereinbefore referred to, said plan being dated August, 1916, and entitled "Engineering Department Bronx Parkway Commission. Location, Plan & Profile Viaduct to eliminate Tibbetts Ave. Crossing, City of White Plains".

On the viaduct there shall be constructed a roadway 40 feet wide in the clear measured between curb lines, and two sidewalks, one on each side of said roadway, each having a clear width of $7\frac{1}{2}$ feet. The total width of viaduct between exterior clearance lines shall be about $55\frac{1}{2}$ feet. The grade of the roadway and sidewalks on the structure and on the immediate approaches shall be uniformly ascending toward the west at the rate of 2 per cent.

The ends of the viaduct shall be connected to existing and new roadways substantially as shown upon plan exhibit A, or as may be hereafter determined and approved by the Bronx Parkway Commission, the City of White Plains, and this Commission.

2. The parties hereto, the State of New York, the railroad corporation, and the City of White Plains, shall not in any event be required or obligated to

THE PUBLIC SERVICE COMMISSION, SECOND DISTRICT

pay more than their respective proportionate statutory shares of \$6.00 being the original estimate of the cost of eliminating the Unadilla Avenue grade crossing, making the total amount which the railroad corporations shall pay for its share in the total cost of the proposed improvement the sum of \$20.00 without interest, and the total amount which the State shall pay for its share in the total cost of the proposed improvement the sum of \$14.00 without interest, and the total amount which the City of White Plains shall pay for its share in the total cost of the proposed improvement the sum of \$1.00 without interest.

2. That in accordance with the aforesaid understanding and agreement between certain of the parties, the Street Railway Commission shall assess pay and charges on each of the entire cost and expense of the construction and work herein authorized and provided for, including the cost of any land rights or easements necessary or required for the purpose hereof as shall exceed the sum of \$41,500, which last mentioned sum is to be paid by the railroad corporations, the State of New York and the City of White Plains proportionately in such proportions as fixed by the statute in such case made and provided, this order being granted upon the express condition that a financial liability or obligation whatsoever in excess of one-fourth of the sum of forty-one thousand six hundred dollars \$41,500 shall attach to or fall upon the State of New York in respect of the construction and work herein authorized and provided for, and that no part of the cost of such work or of any expense incidental thereto, including the acquisition or purchase of any lands, rights or easements necessary or required for the purpose hereof and of any damage or account thereof or otherwise, in excess of one-fourth of forty-one thousand six hundred dollars \$41,500, shall be charged upon or be payable or paid out of any moneys which may have been or may be appropriated by the Legislature of the State of New York for the purpose either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise. The acceptance of this order by the parties thereto shall be deemed as an undertaking on their part respectively to save the State of New York and this Commission harmless from all costs, expenses, claims or demands whatsoever on account of this order, and of any of the provisions thereof, in excess of one-fourth of the sum of forty-one thousand six hundred dollars \$41,500, amounting to the sum of \$10.400, no interest to be added.

[Case No. 4577]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVING,
JAMES O. CARR,
JOHN A. BARNETT.

Commissioners.

In the matter of the Petition of GRASSE RIVER RAILROAD CORPORATION under section 9 of the Railroad Law, section 53 of the Public Service Commissions Law, and section 89 of the Railroad Law.

Supplemental order as to coal-burning locomotives.

An order of this Commission in this matter dated November 23, 1915, provides that no locomotive burning coal for generating steam shall be operated on this corporation's railroad within the Forest Preserve between the hours of 8 a. m. and 8 p. m. during the period from April 15th to November 1st in each year. This corporation, by letter dated October 20, 1917, has requested that this provision be modified so that it may use coal-burning locomotives during said hours for the remainder of the period above named within the

present year, giving among other reasons for said request that recent rains within the Forest Preserve have thoroughly soaked that region so that the danger from fire being started by said locomotives does not exist. Observations recently made by a representative of the Commission confirm this statement, and the Conservation Commission by letter dated October 23, 1917, has advised this Commission that it believes it to be safe to grant the relief requested and has no objection thereto, provided the corporation is required to discontinue the use of coal-burning locomotives at any time within said period within 24 hours of receipt of notice from this Commission so to do. Now, therefore,

Ordered: That the said order of the Commission dated November 23, 1915, be and hereby is modified to the extent that the Grasse River Railroad Corporation may use coal-burning locomotives on that portion of its railroad within the Forest Preserve between the hours of 8 a. m. and 8 p. m., with the understanding that it will discontinue such use of said coal-burning locomotives at any time prior to November 1, 1917, within 24 hours of receipt of notice from this Commission so to do.

[Case No. 6042]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of HORACE S. HOMER under section 55a, Public Service Commissions Law, for approval of a plan of reorganization of the former Elizabethtown Terminal Railroad Company, the proposed new corporation to be called Elizabethtown & Adirondacks Railroad Company, Inc.

Application filed June 1, 1917; hearings held at the office of the Commission in the city of Albany on June 11 and October 24, 1917. Appearances: Robert B. Dudley and Isaac W. Dyer for the petitioner; no one in opposition. This is an application of Horace S. Homer of New York city for approval of the plan of reorganization of the Elizabethtown Terminal Railroad Company dated March 1, 1916, as amended by supplemental plan and agreement dated June 14, 1917, copies of each having been filed with the Commission. The said Homer, acting for and on behalf of a committee representing the holders of \$90,500 of mortgage bonds formerly issued by the Elizabethtown Terminal Railroad Company, pursuant to authority granted by this Commission, purchased on May 4, 1917, at foreclosure sale, all of the property, premises, rights, interests, and franchises formerly owned by the said Elizabethtown Terminal Railroad Company. It is now proposed to reorganize said corporation pursuant to the provisions of sections 9 and 10 of the Stock Corporation Law, and this Commission is asked to approve the plan of reorganization in accordance with the provisions of section 55a of the Public Service Commissions Law. This plan of reorganization and the amendment thereof contemplates the issuing of \$100,000 of 6 per cent non-cumulative preferred stock, and such an amount of common stock as may be approved by the reorganization committee and this Commission; also the making of a mortgage of \$500,000 to secure first mortgage 5 per cent thirty-year bonds of an equal amount, of which not to exceed \$225,000 are to be issued at once to provide funds for building and equipping the railroad and such extensions as may be approved by the reorganization committee or the new corporation.

It appears that the railroad projected by the Elizabethtown Terminal Railroad Company was a steam railroad running from The Delaware and Hudson Company's station at Westport, N. Y., to the incorporated village of Elizabethtown, all in Essex county, a distance of about eight miles; that approximately \$128,000 has been expended on the property in connection with the purchase of rights of way, construction of roadbed, erection of telegraph line, fencing right of way, erection of buildings, purchasing of ties, and in the payment of other expenses incurred in construction, and that the roadbed is substantially completed, including ballast ready for the laying of ties and rails throughout practically its entire length. The petitioner states that it would cost at least \$160,000 to reproduce the property in its present condition, and that it will require a substantial amount in addition to complete the road ready for operation. The proposed plan of reorganization contemplates that \$25,000 of the preferred stock shall be sold at par for cash to provide funds for expenses incurred in reorganization of the property, getting out new bonds, working capital, etc., and that not to exceed \$75,000 of the preferred stock and \$50,000 of common stock shall be issued for the purpose of acquiring the property formerly owned by the said Elizabethtown Terminal Railroad Company which was sold at foreclosure. The petitioner states that in his opinion the earning power of the property when complete will be not less than \$15,000 net per annum. The Commission, after due consideration, being of the opinion that the proposed plan of reorganization as submitted to the Commission should be approved, it is

Ordered: That pursuant to the provisions of section 55a of the Public Service Commissions Law, the plan of reorganization of the Elizabethtown Terminal Railroad Company dated March 1, 1916, as amended by supplemental plan and agreement dated June 14, 1917, both of which have been duly filed with the Commission, be and the same hereby is approved.

[Case No. 6060]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of CAYUGA POWER CORPORATION under section 69 of the Public Service Commissions Law for authority to issue *nunc pro tunc* \$125,000 par value of its common capital stock; approval *nunc pro tunc* to make a mortgage; and for authority to issue *nunc pro tunc* \$96,000 face amount of bonds thereunder; also as to transferring the stock to the Homer and Cortland Gas Light Company.

This is an application by the Cayuga Power Corporation for an authorization *nunc pro tunc* to make a mortgage and to issue and dispose of bonds secured thereby, and also capital stock. The facts in connection with the matter are stated in the Opinion of the Commission in the matter of the petition of the Cayuga Power Corporation for permission to construct, etc., case No. 5979, decided July 12, 1917. It was there held that the Cayuga Power Corporation was not legally incorporated under the Transportation Corporations Law, and it consequently is not an electrical corporation within the definition contained in subdivision 13 of section 2 of the Public Service Commissions Law. It is certainly not a corporation of any other character within the scope of the latter law, and, consequently, if the Commission's determination in the other case is correct, the Commission has no authority

over the issue of capital securities or the incumbrance of the property of the corporation. If in judicial proceedings it should finally be determined that the Commission was in error in the former case, the present case may be reopened. It is therefore

Ordered: That the petition be and the same hereby is dismissed.

[Case No. 6209]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BAEHTE,
Commissioners.

In the matter of the Application of ARTHUR W. LOASBY, ELBERT A. HARVEY, and DEFOREST SETTLE, as the committee under a certain plan and agreement for the reorganization of the Rochester, Syracuse and Eastern Railroad Company, dated May 18, 1917, to approve said plan and agreement; and for consent to issue the stocks of the corporation to be organized pursuant to said plan, and also the bonds thereof, and to secure the latter by a first mortgage upon the property and franchises of said corporation.

Petition filed September 17, 1917; report of division of capitalization dated October 6, 1917. An application dated September 15, 1917, has been made herein for the approval of a plan and agreement dated May 18, 1917, for the reorganization of certain of the property of the Empire United Railways, Inc., viz. that of the former Rochester, Syracuse and Eastern Railroad Company, a copy of which plan is filed with the application herein and marked exhibit B; and also for authority by the new company, the Rochester and Syracuse Railroad Company, Inc., to take over the property designated in such plan, to issue stock, and execute a mortgage and issue bonds thereunder as set forth therein. The plan for reorganization has been the subject of several conferences, and as approved herein it has been modified and amended by effecting a reduction in the amount of bonds and preferred stock and an increase in the amount of common stock, and in other respects. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the plan and agreement for reorganization dated May 18, 1917, of certain of the property of the Empire United Railways, Inc., namely that portion known formerly as the Rochester, Syracuse and Eastern Railroad Company, as herein modified by the Commission, is hereby approved.

2. That the capitalization which the Rochester and Syracuse Railroad Company, Inc., the new corporation, may issue for the purpose of completing the said reorganization is as follows: (a) first mortgage bonds of the face value of \$2,500,000: said bonds, being a portion of the \$5,000,000 face value secured by a mortgage dated May 1, 1917, hereinafter authorized to be executed, to bear interest at the rate of 5 per cent per annum, payable on the first days of May and November in each year, and to mature on May 1, 1957; (b) preferred capital stock of the par value of \$2,500,000: said stock to be 6 per cent non-cumulative stock, and to be a part of the total authorized issue of \$3,000,000 par value of this class of capital stock; (c) common capital stock of the par value of \$1,500,000: being the entire authorized issue of this class of capital stock; or only such portions of the above securities as will be necessary to accomplish the purposes

of the plan in so far as such purposes involve the distribution of securities to participants thereunder as hereinafter provided.

3. That the Rochester and Syracuse Railroad Company, Inc., is hereby authorized to execute and deliver to the Trust and Deposit Company of Onondaga as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its property, dated the 1st day of May, 1917, to secure an issue of first mortgage 40-year gold bonds to the aggregate amount of \$5,000,000 face value, bearing interest at the rate of 5 per cent per annum, payable semi-annually on the first days of May and November in each year, a copy of which indenture has been filed with the Commission herein; and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

4. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause shall have been complied with.

5. That the Rochester and Syracuse Railroad Company, Inc., is hereby authorized to issue at not less than their face value \$2,500,000 face value of its 5 per cent 40-year first mortgage gold bonds under the aforesaid mortgage.

6. That the Rochester and Syracuse Railroad Company, Inc., is hereby authorized to issue at its par value \$4,000,000 par value of capital stock to be classified as follows: \$2,500,000 par value 6 per cent non-cumulative preferred capital stock; \$1,500,000 par value common capital stock, which together with the bonds authorized to be issued in clause No. 5 hereof, shall be used for the acquisition of the property and franchises of the former Rochester, Syracuse and Eastern Railroad Company, which was conveyed to the purchaser upon the sale at foreclosure of the mortgage securing the bonds of the former Rochester, Syracuse and Eastern Railroad Company, together with all cash and [or] other assets remaining in the possession of the committee constituted by said plan and agreement for reorganization after making all disbursements authorized or required by the provisions of said plan and agreement.

7. That the issue and distribution of the stock and bonds of the Rochester and Syracuse Railroad Company, Inc., hereinbefore authorized to be issued to the depositors under said plan and agreement for reorganization, shall be as follows: to each depositor of \$1000 face value of bonds of the Rochester, Syracuse and Eastern Railroad Company (the mortgage securing which has been foreclosed), 40-year 5 per cent first mortgage gold bonds, face value \$500; 6 per cent non-cumulative preferred stock, par value \$500; common stock, par value \$300: total \$1300.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Rochester and Syracuse Railroad Company, Inc., unless any such pledge or hypothecation shall have been expressly approved by this Commission.

9. That the Rochester and Syracuse Railroad Company, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been distributed during such period in accordance with the authority contained herein; (b) the date of such distribution; (c) to whom such securities were distributed, together with the actual distribution of such securities to the participants under the plan. Such reports shall continue to be filed until all of said securities shall have been distributed in accordance with the authority contained herein, and if during any period no securities were distributed the report shall set forth such fact.

10. That the property and assets herein authorized to be acquired shall be entered upon the books of the new corporation, the Rochester and Syracuse

Railroad Company, Inc., and charged to the prescribed subaccounts of fixed capital as required in paragraph 23 of schedule A of the Uniform System of Accounts for Street Railroad Corporations, upon the basis of the actual cost to the predecessor company or to the receivers thereof of such property and assets.

11. That the Rochester and Syracuse Railroad Company, Inc., is hereby permitted in opening its books to set aside in the account "Reserve for Accrued Amortization of Capital" the amount of \$400,000.

12. That the Rochester and Syracuse Railroad Company, Inc., shall allocate its fixed capital as of the date of the acquisition of the property and assets as herein authorized in a manner satisfactory to the Commission, and shall use for such purpose the reports of the Commission's divisions heretofore filed in connection with earlier proceedings of underlying or predecessor companies; provided that the amount by which the total par or face value of securities issued under the authority contained herein exceeds the allocated cash cost of fixed capital and other assets shall be charged to "Other Intangible Street Railroad Capital"; provided further, that the details of such allocation shall be submitted to the Commission for its approval not later than January 31, 1918, which approval must be obtained before such allocation is spread upon the books of the petitioner.

13. That this order is not intended and shall not be construed as a present determination by this Commission that the amount of fixed capital, other intangible street railroad capital, arrived at in accordance with the provisions of clause No. 12 hereof, shall be deemed as the amount chargeable to such account which shall hereafter be permanently carried as such by said company.

14. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the securities herein authorized are reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6214]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the WESTERN NEW YORK AND PENNSYLVANIA RAILWAY COMPANY and THE UNION TERMINAL RAILROAD COMPANY OF THE CITY OF BUFFALO under section 149, Railroad Law, for permission to the first named company to take a surrender to it of all of the capital stock of the last named company, and to file a certificate thereof in the Secretary of State's office.

Petition filed September 27, 1917. Now therefore, upon the foregoing record,

of the plan in so far as such purposes involve the distribution of securities to participants thereunder as hereinafter provided.

3. That the Rochester and Syracuse Railroad Company, Inc., is hereby authorized to execute and deliver to the Trust and Deposit Company of Onondaga as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its property, dated the 1st day of May, 1917, to secure an issue of first mortgage 40-year gold bonds to the aggregate amount of \$5,000,000 face value, bearing interest at the rate of 5 per cent per annum, payable semi-annually on the first days of May and November in each year, a copy of which indenture has been filed with the Commission herein; and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

4. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause shall have been complied with.

5. That the Rochester and Syracuse Railroad Company, Inc., is hereby authorized to issue at not less than their face value \$2,500,000 face value of its 5 per cent 40-year first mortgage gold bonds under the aforesaid mortgage.

6. That the Rochester and Syracuse Railroad Company, Inc., is hereby authorized to issue at its par value \$4,000,000 par value of capital stock to be classified as follows: \$2,500,000 par value 6 per cent non-cumulative preferred capital stock; \$1,500,000 par value common capital stock, which, together with the bonds authorized to be issued in clause No. 5 hereof, shall be used for the acquisition of the property and franchises of the former Rochester, Syracuse and Eastern Railroad Company, which was conveyed to the purchaser upon the sale at foreclosure of the mortgage securing the bonds of the former Rochester, Syracuse and Eastern Railroad Company, together with all cash and [or] other assets remaining in the possession of the committee constituted by said plan and agreement for reorganization after making all disbursements authorized or required by the provisions of said plan and agreement.

7. That the issue and distribution of the stock and bonds of the Rochester and Syracuse Railroad Company, Inc., hereinbefore authorized to be issued to the depositors under said plan and agreement for reorganization, shall be as follows: to each depositor of \$1000 face value of bonds of the Rochester, Syracuse and Eastern Railroad Company (the mortgage securing which has been foreclosed), 40-year 5 per cent first mortgage gold bonds, face value \$500; 6 per cent non-cumulative preferred stock, par value \$500; common stock, par value \$300: total \$1300.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Rochester and Syracuse Railroad Company, Inc., unless any such pledge or hypothecation shall have been expressly approved by this Commission.

9. That the Rochester and Syracuse Railroad Company, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been distributed during such period in accordance with the authority contained herein; (b) the date of such distribution; (c) to whom such securities were distributed, together with the actual distribution of such securities to the participants under the plan. Such reports shall continue to be filed until all of said securities shall have been distributed in accordance with the authority contained herein, and if during any period no securities were distributed the report shall set forth such fact.

10. That the property and assets herein authorized to be acquired shall be entered upon the books of the new corporation, the Rochester and Syracuse

Railroad Company, Inc., and charged to the prescribed subaccounts of fixed capital as required in paragraph 23 of schedule A of the Uniform System of Accounts for Street Railroad Corporations, upon the basis of the actual cost to the predecessor company or to the receivers thereof of such property and assets.

11. That the Rochester and Syracuse Railroad Company, Inc., is hereby permitted in opening its books to set aside in the account "Reserve for Accrued Amortization of Capital" the amount of \$400,000.

12. That the Rochester and Syracuse Railroad Company, Inc., shall allocate its fixed capital as of the date of the acquisition of the property and assets as herein authorized in a manner satisfactory to the Commission, and shall use for such purpose the reports of the Commission's divisions heretofore filed in connection with earlier proceedings of underlying or predecessor companies; provided that the amount by which the total par or face value of securities issued under the authority contained herein exceeds the allocated cash cost of fixed capital and other assets shall be charged to "Other Intangible Street Railroad Capital"; provided further, that the details of such allocation shall be submitted to the Commission for its approval not later than January 31, 1918, which approval must be obtained before such allocation is spread upon the books of the petitioner.

13. That this order is not intended and shall not be construed as a present determination by this Commission that the amount of fixed capital, other intangible street railroad capital, arrived at in accordance with the provisions of clause No. 12 hereof, shall be deemed as the amount chargeable to such account which shall hereafter be permanently carried as such by said company.

14. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the securities herein authorized are reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6214]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the WESTERN NEW YORK AND PENNSYLVANIA RAILWAY COMPANY and THE UNION TERMINAL RAILROAD COMPANY OF THE CITY OF BUFFALO under section 149, Railroad Law, for permission to the first named company to take a surrender to it of all of the capital stock of the last named company, and to file a certificate thereof in the Secretary of State's office.

Petition filed September 27, 1917. Now therefore, upon the foregoing record,

during the hours of darkness for at least thirty minutes prior to the arrival time of each passenger train scheduled to stop at such station, and thereafter until the same is closed. Such waiting room shall be kept open for the convenience of passengers for a period of at least thirty minutes prior to the scheduled time for the arrival of trains scheduled to stop thereat, and until the departure thereof; and when occasion requires due to weather conditions or otherwise, for such a reasonable period after the departure of trains as may be necessary and convenient for the patrons of the railroad.

3. This order is made without prejudice to an application by the patrons of said railroad at some future time for the restoration of an agent at this station upon showing the necessity therefor.

4. That The Delaware and Hudson Company shall notify the Commission within ten days after the date of this order whether it accepts the same and will agree to comply in all respects with the terms and conditions thereof.

[Case No. 6221]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 23rd day
of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petitions of DEER RIVER RAILROAD CORPORATION and WILLARD B. VAN ALLEN as to transfer of the former Carthage and Copenhagen railroad to the Corporation; and as to exercise of the franchises and operation of the railroad and issuance of capital stock by the Corporation.

Petition filed September 27, 1917; report of division of capitalization dated October 10, 1917; hearing held October 23, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the consent of this Commission is hereby given to the transfer to the Deer River Railroad Corporation of the franchise or franchises of the former Carthage and Copenhagen Railroad Company, and to the exercise of all of the rights and privileges of the franchise or franchises so transferred to it, subject however to all the terms and conditions thereof.

2. That the Deer River Railroad Corporation is hereby authorized to acquire the steam railroad property and appurtenances formerly owned by the Carthage and Copenhagen Railroad Company, and to operate the property so acquired.

3. That the Deer River Railroad Corporation is hereby authorized to issue \$100,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least that amount.

4. That said stock of the par value of \$100,000 so authorized, or the proceeds thereof to the amount of \$100,000, shall be used solely and exclusively for the following purposes:

(a) For the acquisition of the steam railroad property and appurtenances formerly owned by the Carthage and Copenhagen Railroad Company which were sold at foreclosure on the 14th day of August, 1917, consisting of approximately 8¾ miles of standard gauge steam railroad between Carthage and Copenhagen.....	\$39,025.00
(b) For the purchase of equipment and for the necessary expenses incurred in rehabilitating and equipping the property to be acquired as detailed in a statement filed in this proceeding under date of October 18, 1917.....	60,975.00
	\$100,000.00

5. That no expenditures from the proceeds of the stock herein authorized for services or expenses incident to the reorganization or sale at foreclosure of the Carthage and Copenhagen Railroad Company or for the organization of the Deer River Railroad Corporation shall be charged to cost of road and equipment until the details of such expenditures or proposed expenditures shall have been submitted to and approved by this Commission.

6. That the Deer River Railroad Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount of such proceeds used during such period for the purposes specified in this order. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds used the report shall set forth such fact.

7. That the Deer River Railroad Corporation shall charge to the prescribed accounts under the Classification of Investment in Road and Equipment for Steam Roads promulgated by the Interstate Commerce Commission and adopted by this Commission, the actual cost to it of the property of the former Carthage and Copenhagen Railroad Company herein authorized to be acquired, which cost shall be \$39,025, and that the company shall within sixty days after the acquisition of such property file a detailed report showing the allocation to such prescribed accounts of this purchase price and the other expenses in the equipping and rehabilitating of the property, which allocation shall be subject to the approval of this Commission.

8. That the authority contained in this order to issue stock and acquire property is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued or property acquired pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 156]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law for the elimination of grade crossings over the New York and Harlem railroad in the village of White Plains. In the matter of the Joint Petition of the CITY OF WHITE PLAINS and THE NEW YORK CENTRAL RAILROAD COMPANY for a modification of the order of this Commission dated April 10, 1912: the modification asked for being with respect to the location, construction, and design of an overgrade crossing of the railroad near Tibbetts avenue, in the city of White Plains.

Fourth
modification
of order.

By joint petition, undated, but received by this Commission on or about the 27th of June, 1917, The New York Central Railroad Company and the City of White Plains have prayed this Commission for a modification of its order of April 10, 1912, herein, which provided for the elimination of grade crossings of the New York and Harlem railroad in the city of White Plains, in so far as said last mentioned order relates to the Tibbetts Avenue crossing, for a determination that in place of the provisions in said order for the Tibbetts Avenue crossing an overgrade crossing be constructed upon a line and location adopted by the Bronx Parkway Commission for the proposed Bronx Parkway drive, and for the approval of the terms and conditions of a contract entered into between the above named parties covering the construction of such crossing and the payment of costs. The order of the Commission of April 10, 1912, as to the White Plains crossings (Railroad avenue, Hamilton avenue, and Tibbetts avenue), provided that the Tibbetts Avenue crossing shall be "carried over the railroad tracks by an overhead crossing about twenty-six feet in width center to center of girders at a point about two hundred and twenty feet north of the existing grade crossing of Tibbetts avenue". While all of the other work embodied in the Commission's said order has been carried out, with the knowledge and tacit approval of this Commission, no work has been done at the Tibbetts Avenue crossing for the reason that the Bronx Parkway Commission in constructing its Parkway drive found it necessary to cross the railroad at some point not at once accurately determined in the vicinity of Tibbetts avenue, which construction would render the overgrade crossing at Tibbetts avenue provided for in the Commission's order superfluous, if not actually useless. It is now proposed, as set forth in said petition, to build a concrete viaduct over the railroad tracks at a point approximately seven hundred feet south of the existing Tibbetts Avenue grade crossing, connecting the same on each side of the railroad with new driveways to be laid out and improved, all as approximately shown upon a general plan hereinafter referred to. It further appears that the cost of the completed work if carried out according to this modified plan as last above mentioned and described is estimated to be largely in excess of forty-one thousand six hundred dollars (\$41,600) in the aggregate, which is the sum originally set aside as the cost of the overgrade crossing contemplated under the Commission's original order. It further appears that it has been determined and agreed by and between the said The New York Central Railroad Company, the City of White Plains, and the Bronx Parkway Commission, that in case the proposed modified plan

shall receive the approval of this Commission so much of the entire cost of the completed work, including construction, the cost of land, land damages, and all claims and demands whatsoever on account thereof as shall exceed the aforesaid sum of forty-one thousand six hundred dollars (\$41,600) originally estimated as the cost of said elimination, shall be borne and paid for by the Bronx Parkway Commission; and that neither said railroad corporation, the State of New York, nor the City of White Plains shall be required to pay for said work of construction, land, land damages, claims, or demands whatsoever, including cost of any land, if such has already been acquired for the purpose of carrying out the original order, any more than their proportionate shares respectively as fixed by statute of the sum of forty-one thousand six hundred dollars (\$41,600). A hearing upon this petition, after statutory notice to the applicants and all other interested parties, was held by this Commission in New York city on October 12, 1917, the City of White Plains, the Bronx Parkway Commission, The New York Central Railroad Company, and several owners of property being represented. At this hearing no opposition was expressed to the proposition, and a plan marked "Exhibit A" was submitted showing the alignment and an elevation of the proposed structure and its approaches, said plan being on file with the papers in the case and bearing the following approval signatures: Harrington M. Thompson, mayor, for the City of White Plains; George A. Harwood and W. F. Jordan, respectively engineering assistant to the vice-president, and manager Grand Central Terminal Improvements, for the railroad company; and Madison Grant and Jay Downer, respectively president, and engineer and secretary, for the Bronx Parkway Commission. It appears that the location of the proposed new structure will afford access by the people of White Plains to the proposed parkway fully as well as the Tibbetts Avenue structure provided for in the previous order would have done. Attention was also called at the hearing to the fact that if the existing order is carried out the structure would have to be built across land now owned by the City of New York under the control of the Bronx Parkway Commission and that probably the consent of the city for the use of this land for such a purpose could not be secured. In view of the advantages that would result from the construction of a more permanent, elaborate, and commodious structure combined with easy approach grades, the fact that such a structure will apparently better serve the public requirements and convenience, and the consideration that the State's share of the cost will not be increased beyond the original estimate thereof, the Commission has finally determined to grant the petition; and therefore hereby

Orders: 1. That under the terms and provisions of the contract entered into between the parties at interest, namely The New York Central Railroad Company, the City of White Plains, and the Bronx Parkway Commission, the petition for a modification of the order previously made in so far as the same relates to said Tibbetts Avenue crossing be granted, and that the elimination of said crossing and the changing thereof from grade shall be accomplished by the construction of a concrete arch viaduct and approaches thereto by means of which the highway traffic may be carried over the grade of the railroad at a point about 700 feet southerly of the present Tibbetts Avenue crossing, substantially as shown upon a blueprint (exhibit A) hereinbefore referred to, said plan being dated August, 1916, and entitled "Engineering Department Bronx Parkway Commission. Location, Plan & Profile Viaduct to eliminate Tibbetts Ave. Crossing, City of White Plains".

On the viaduct there shall be constructed a roadway 40 feet wide in the clear measured between curb lines, and two sidewalks, one on each side of said roadway, each having a clear width of $7\frac{1}{2}$ feet. The total width of viaduct between exterior clearance lines shall be about $55\frac{1}{2}$ feet. The grade of the roadway and sidewalks on the structure and on the immediate approaches shall be uniformly ascending toward the west at the rate of 2 per cent.

The ends of the viaduct shall be connected to existing and new roadways substantially as shown upon plan exhibit A, or as may be hereafter determined and approved by the Bronx Parkway Commission, the City of White Plains, and this Commission.

2. The parties hereto, the State of New York, the railroad corporation, and the City of White Plains, shall not in any event be required or obligated to

pay more than their respective proportionate statutory shares of \$41,600, being the original estimate of the cost of eliminating the Tibbetts Avenue grade crossing, making the total amount which the railroad corporation shall pay for its share in the total cost of the completed improvement the sum of \$20,800 without interest, and the total amount which the State shall pay for its share in the total cost of the completed improvement the sum of \$10,400 without interest, and the total amount which the City of White Plains shall pay for its share in the total cost of the completed improvement the sum of \$10,400 without interest.

3. That in accordance with the aforesaid understanding and agreement between certain of the parties, the Bronx Parkway Commission shall assume, pay, and discharge so much of the entire cost and expense of the construction and work herein authorized and provided for, including the cost of any land, rights, or easements necessary or required for the purpose hereof as shall exceed the sum of \$41,600, which last mentioned sum is to be paid by the railroad corporation, the State of New York, and the City of White Plains, respectively, in such proportions as fixed by the statute in such case made and provided; this order being granted upon the express condition that no financial liability or obligation whatsoever in excess of one-fourth of the sum of forty-one thousand six hundred dollars (\$41,600) shall attach to or fall upon the State of New York on account of the construction and work herein authorized and provided for, and that no part of the cost of such work or of any expense incidental thereto, including the acquisition or purchase of any lands, rights, or easements necessary or required for the purpose hereof and of any damage on account thereof, or otherwise, in excess of one-fourth of forty-one thousand six hundred dollars (\$41,600), shall be charged upon or be payable or paid out of any moneys which may have been or may be appropriated by the Legislature of the State of New York for the purpose either of the elimination of grade crossings or of the reconstruction of work at crossings either at grade or otherwise. The acceptance of this order by the parties thereto shall be deemed as an undertaking on their part respectively to save the State of New York and this Commission harmless from all costs, expenses, claims, or demands whatsoever on account of this order, and of any of the provisions thereof, in excess of one-fourth of the sum of forty-one thousand six hundred dollars (\$41,600), amounting to the sum of \$10,400, no interest to be added.

[Case No. 4877]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of GRASSE RIVER RAILROAD CORPORATION under section 9 of the Railroad Law, section 53 of the Public Service Commissions Law, and section 89 of the Railroad Law.

Supplemental order as to coal-burning locomotives.

An order of this Commission in this matter dated November 23, 1915, provides that no locomotive burning coal for generating steam shall be operated on this corporation's railroad within the Forest Preserve between the hours of 8 a. m. and 8 p. m. during the period from April 15th to November 1st in each year. This corporation, by letter dated October 20, 1917, has requested that this provision be modified so that it may use coal-burning locomotives during said hours for the remainder of the period above named within the

present year, giving among other reasons for said request that recent rains within the Forest Preserve have thoroughly soaked that region so that the danger from fire being started by said locomotives does not exist. Observations recently made by a representative of the Commission confirm this statement, and the Conservation Commission by letter dated October 23, 1917, has advised this Commission that it believes it to be safe to grant the relief requested and has no objection thereto, provided the corporation is required to discontinue the use of coal-burning locomotives at any time within said period within 24 hours of receipt of notice from this Commission so to do. Now, therefore,

Ordered: That the said order of the Commission dated November 23, 1915, be and hereby is modified to the extent that the Grasse River Railroad Corporation may use coal-burning locomotives on that portion of its railroad within the Forest Preserve between the hours of 8 a. m. and 8 p. m., with the understanding that it will discontinue such use of said coal-burning locomotives at any time prior to November 1, 1917, within 24 hours of receipt of notice from this Commission so to do.

[Case No. 6042]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of HORACE S. HOMER under section 55a, Public Service Commissions Law, for approval of a plan of reorganization of the former Elizabethtown Terminal Railroad Company, the proposed new corporation to be called Elizabethtown & Adirondacks Railroad Company, Inc.

Application filed June 1, 1917; hearings held at the office of the Commission in the city of Albany on June 11 and October 24, 1917. Appearances: Robert B. Dudley and Isaac W. Dyer for the petitioner; no one in opposition. This is an application of Horace S. Homer of New York city for approval of the plan of reorganization of the Elizabethtown Terminal Railroad Company dated March 1, 1916, as amended by supplemental plan and agreement dated June 14, 1917, copies of each having been filed with the Commission. The said Homer, acting for and on behalf of a committee representing the holders of \$90,500 of mortgage bonds formerly issued by the Elizabethtown Terminal Railroad Company, pursuant to authority granted by this Commission, purchased on May 4, 1917, at foreclosure sale, all of the property, premises, rights, interests, and franchises formerly owned by the said Elizabethtown Terminal Railroad Company. It is now proposed to reorganize said corporation pursuant to the provisions of sections 9 and 10 of the Stock Corporation Law, and this Commission is asked to approve the plan of reorganization in accordance with the provisions of section 55a of the Public Service Commissions Law. This plan of reorganization and the amendment thereof contemplates the issuing of \$100,000 of 6 per cent non-cumulative preferred stock, and such an amount of common stock as may be approved by the reorganization committee and this Commission; also the making of a mortgage of \$500,000 to secure first mortgage 5 per cent thirty-year bonds of an equal amount, of which not to exceed \$225,000 are to be issued at once to provide funds for building and equipping the railroad and such extensions as may be approved by the reorganization committee or the new corporation.

It appears that the railroad projected by the Elizabethtown Terminal Railroad Company was a steam railroad running from The Delaware and Hudson Company's station at Westport, N. Y., to the incorporated village of Elizabethtown, all in Essex county, a distance of about eight miles; that approximately \$128,000 has been expended on the property in connection with the purchase of rights of way, construction of roadbed, erection of telegraph line, fencing right of way, erection of buildings, purchasing of ties, and in the payment of other expenses incurred in construction, and that the roadbed is substantially completed, including ballast ready for the laying of ties and rails throughout practically its entire length. The petitioner states that it would cost at least \$160,000 to reproduce the property in its present condition, and that it will require a substantial amount in addition to complete the road ready for operation. The proposed plan of reorganization contemplates that \$25,000 of the preferred stock shall be sold at par for cash to provide funds for expenses incurred in reorganization of the property, getting out new bonds, working capital, etc., and that not to exceed \$75,000 of the preferred stock and \$50,000 of common stock shall be issued for the purpose of acquiring the property formerly owned by the said Elizabethtown Terminal Railroad Company which was sold at foreclosure. The petitioner states that in his opinion the earning power of the property when complete will be not less than \$15,000 net per annum. The Commission, after due consideration, being of the opinion that the proposed plan of reorganization as submitted to the Commission should be approved, it is

Ordered: That pursuant to the provisions of section 55a of the Public Service Commissions Law, the plan of reorganization of the Elizabethtown Terminal Railroad Company dated March 1, 1916, as amended by supplemental plan and agreement dated June 14, 1917, both of which have been duly filed with the Commission, be and the same hereby is approved.

[Case No. 6060]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of CAYUGA POWER CORPORATION under section 69 of the Public Service Commissions Law for authority to issue *nunc pro tunc* \$125,000 par value of its common capital stock; approval *nunc pro tunc* to make a mortgage; and for authority to issue *nunc pro tunc* \$96,000 face amount of bonds thereunder; also as to transferring the stock to the Homer and Cortland Gas Light Company.

This is an application by the Cayuga Power Corporation for an authorization *nunc pro tunc* to make a mortgage and to issue and dispose of bonds secured thereby, and also capital stock. The facts in connection with the matter are stated in the Opinion of the Commission in the matter of the petition of the Cayuga Power Corporation for permission to construct, etc., case No. 5979, decided July 12, 1917. It was there held that the Cayuga Power Corporation was not legally incorporated under the Transportation Corporations Law, and it consequently is not an electrical corporation within the definition contained in subdivision 13 of section 2 of the Public Service Commissions Law. It is certainly not a corporation of any other character within the scope of the latter law, and, consequently, if the Commission's determination in the other case is correct, the Commission has no authority

over the issue of capital securities or the incumbrance of the property of the corporation. If in judicial proceedings it should finally be determined that the Commission was in error in the former case, the present case may be reopened. It is therefore

Ordered: That the petition be and the same hereby is dismissed.

[Case No. 6209]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of ARTHUR W. LOASBY, ELBERT A. HARVEY, and DEFOREST SETTLE, as the committee under a certain plan and agreement for the reorganization of the Rochester, Syracuse and Eastern Railroad Company, dated May 18, 1917, to approve said plan and agreement; and for consent to issue the stocks of the corporation to be organized pursuant to said plan, and also the bonds thereof, and to secure the latter by a first mortgage upon the property and franchises of said corporation.

Petition filed September 17, 1917; report of division of capitalization dated October 6, 1917. An application dated September 15, 1917, has been made herein for the approval of a plan and agreement dated May 18, 1917, for the reorganization of certain of the property of the Empire United Railways, Inc., viz. that of the former Rochester, Syracuse and Eastern Railroad Company, a copy of which plan is filed with the application herein and marked exhibit B; and also for authority by the new company, the Rochester and Syracuse Railroad Company, Inc., to take over the property designated in such plan, to issue stock, and execute a mortgage and issue bonds thereunder as set forth therein. The plan for reorganization has been the subject of several conferences, and as approved herein it has been modified and amended by effecting a reduction in the amount of bonds and preferred stock and an increase in the amount of common stock, and in other respects. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the plan and agreement for reorganization dated May 18, 1917, of certain of the property of the Empire United Railways, Inc., namely that portion known formerly as the Rochester, Syracuse and Eastern Railroad Company, as herein modified by the Commission, is hereby approved.

2. That the capitalization which the Rochester and Syracuse Railroad Company, Inc., the new corporation, may issue for the purpose of completing the said reorganization is as follows: (a) first mortgage bonds of the face value of \$2,500,000: said bonds, being a portion of the \$5,000,000 face value secured by a mortgage dated May 1, 1917, hereinafter authorized to be executed, to bear interest at the rate of 5 per cent per annum, payable on the first days of May and November in each year, and to mature on May 1, 1957; (b) preferred capital stock of the par value of \$2,500,000: said stock to be 6 per cent non-cumulative stock, and to be a part of the total authorized issue of \$3,000,000 par value of this class of capital stock; (c) common capital stock of the par value of \$1,500,000: being the entire authorized issue of this class of capital stock; or only such portions of the above securities as will be necessary to accomplish the purposes

of the plan in so far as such purposes involve the distribution of securities to participants thereunder as hereinafter provided.

3. That the Rochester and Syracuse Railroad Company, Inc., is hereby authorized to execute and deliver to the Trust and Deposit Company of Onondaga as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its property, dated the 1st day of May, 1917, to secure an issue of first mortgage 40-year gold bonds to the aggregate amount of \$5,000,000 face value, bearing interest at the rate of 5 per cent per annum, payable semi-annually on the first days of May and November in each year, a copy of which indenture has been filed with the Commission herein; and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

4. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause shall have been complied with.

5. That the Rochester and Syracuse Railroad Company, Inc., is hereby authorized to issue at not less than their face value \$2,500,000 face value of its 5 per cent 40-year first mortgage gold bonds under the aforesaid mortgage.

6. That the Rochester and Syracuse Railroad Company, Inc., is hereby authorized to issue at its par value \$4,000,000 par value of capital stock to be classified as follows: \$2,500,000 par value 6 per cent non-cumulative preferred capital stock; \$1,500,000 par value common capital stock, which, together with the bonds authorized to be issued in clause No. 5 hereof, shall be used for the acquisition of the property and franchises of the former Rochester, Syracuse and Eastern Railroad Company, which was conveyed to the purchaser upon the sale at foreclosure of the mortgage securing the bonds of the former Rochester, Syracuse and Eastern Railroad Company, together with all cash and [or] other assets remaining in the possession of the committee constituted by said plan and agreement for reorganization after making all disbursements authorized or required by the provisions of said plan and agreement.

7. That the issue and distribution of the stock and bonds of the Rochester and Syracuse Railroad Company, Inc., hereinbefore authorized to be issued to the depositors under said plan and agreement for reorganization, shall be as follows: to each depositor of \$1000 face value of bonds of the Rochester, Syracuse and Eastern Railroad Company (the mortgage securing which has been foreclosed), 40-year 5 per cent first mortgage gold bonds, face value \$500; 6 per cent non-cumulative preferred stock, par value \$500; common stock, par value \$300: total \$1300.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Rochester and Syracuse Railroad Company, Inc., unless any such pledge or hypothecation shall have been expressly approved by this Commission.

9. That the Rochester and Syracuse Railroad Company, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been distributed during such period in accordance with the authority contained herein; (b) the date of such distribution; (c) to whom such securities were distributed, together with the actual distribution of such securities to the participants under the plan. Such reports shall continue to be filed until all of said securities shall have been distributed in accordance with the authority contained herein, and if during any period no securities were distributed the report shall set forth such fact.

10. That the property and assets herein authorized to be acquired shall be entered upon the books of the new corporation, the Rochester and Syracuse

Railroad Company, Inc., and charged to the prescribed subaccounts of fixed capital as required in paragraph 23 of schedule A of the Uniform System of Accounts for Street Railroad Corporations, upon the basis of the actual cost to the predecessor company or to the receivers thereof of such property and assets.

11. That the Rochester and Syracuse Railroad Company, Inc., is hereby permitted in opening its books to set aside in the account "Reserve for Accrued Amortization of Capital" the amount of \$400,000.

12. That the Rochester and Syracuse Railroad Company, Inc., shall allocate its fixed capital as of the date of the acquisition of the property and assets as herein authorized in a manner satisfactory to the Commission, and shall use for such purpose the reports of the Commission's divisions heretofore filed in connection with earlier proceedings of underlying or predecessor companies; provided that the amount by which the total par or face value of securities issued under the authority contained herein exceeds the allocated cash cost of fixed capital and other assets shall be charged to "Other Intangible Street Railroad Capital"; provided further, that the details of such allocation shall be submitted to the Commission for its approval not later than January 31, 1918, which approval must be obtained before such allocation is spread upon the books of the petitioner.

13. That this order is not intended and shall not be construed as a present determination by this Commission that the amount of fixed capital, other intangible street railroad capital, arrived at in accordance with the provisions of clause No. 12 hereof, shall be deemed as the amount chargeable to such account which shall hereafter be permanently carried as such by said company.

14. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the securities herein authorized are reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6214]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the WESTERN NEW YORK AND PENNSYLVANIA RAILWAY COMPANY and THE UNION TERMINAL RAILROAD COMPANY OF THE CITY OF BUFFALO under section 149, Railroad Law, for permission to the first named company to take a surrender to it of all of the capital stock of the last named company, and to file a certificate thereof in the Secretary of State's office.

Petition filed September 27, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the permission and approval of this Commission are hereby given to the taking of a surrender of all of the capital stock of The Union Terminal Railroad Company of the City of Buffalo by the Western New York and Pennsylvania Railway Company for a consideration of one dollar, in accordance with the terms of a certain agreement dated November 2, 1916, annexed to the petition herein and marked exhibit D. This order is made, nevertheless, upon the express condition that whenever the whole of such capital stock shall have been so surrendered a certificate thereof shall be filed in the office of the Secretary of State under the common seal of the corporation to which such surrender shall have been made; a certified copy of such certificate shall be filed with this Commission; and thereafter each certificate of stock which shall have been so surrendered shall be impressed with a stamp to the effect that such certificate of stock has been so surrendered under authority of the order of this Commission dated October 24, 1917, and that the certificate last mentioned has been duly filed in the office of the Secretary of State.

2. That the authority contained in this order is upon the express condition that the Western New York and Pennsylvania Railway Company accepts and agrees to comply in good faith with the provisions hereof; and that within thirty days of the service of this order the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

[Case No. 6216]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of SCHOHARIE VALLEY LIGHT AND POWER CORPORATION under section 68 of the Public Service Commissions Law for permission to construct an electric plant in portions of the counties of Schoharie and Schenectady; and for approval of franchises received from municipalities.

Petition filed September 27, 1917; affidavits of publication filed October 22, 1917; hearing held at the office of the Commission in the city of Albany October 22, 1917. Appearances: Miller and Golden, by Arthur S. Golden, for the petitioner; G. Norton Frisbie for Middleburgh and Schoharie Electric Light, Heat and Power Company, in opposition. This is an application by Schoharie Valley Light and Power Corporation for permission to exercise franchises granted by the following villages and towns on the dates mentioned: Board of trustees, Village of Esperance, Schoharie county, April 16, 1917; town board, Town of Princetown, Schenectady county, April 14, 1917; town board, Town of Duanesburgh, Schenectady county, June 6, 1917; town board, Town of Schoharie, Schoharie county, June 29, 1917; town board, Town of Esperance, Schoharie county, June 26, 1917. The petitioner has procured the franchises in question to enable it to develop the electric lighting and power business in the communities mentioned, and it proposes to purchase electric energy from the Schenectady Illuminating Company at some point in the town of Rotterdam, and to extend its lines from that point through the various towns and villages mentioned. The distance from Schenectady along the route over which the petitioner proposes to carry its lines to the town of Schoharie is approximately 22 miles. The first point in the town of

Schoharie where the petitioner desires to carry on its business is the unincorporated village of Central Bridge. The Middleburgh and Schoharie Electric Light, Heat and Power Company opposes the application of the petitioner so far as it relates to that portion of the town of Schoharie in and near Central Bridge. The last mentioned company supplies electricity in the villages of Schoharie and Middleburgh, in the county of Schoharie. Its lines do not extend northerly from the village of Schoharie. The unincorporated village of Central Bridge is about four miles northwesterly from the village of Schoharie. It was stated at the hearing that the Middleburgh company had been intending for some time to extend its lines to Central Bridge in order to supply electricity therein, but that it had not made such extension as yet because of the fact that it had not been advised that there was sufficient business to justify such an extension; and furthermore, because of the extremely high cost of labor and material required for such work. There is no objection on the part of the Middleburgh company to the petitioner exercising the franchise granted by the Town of Schoharie at other points in the northwesterly part of the town except in Central Bridge. The petitioner is willing that the Middleburgh company should have an opportunity to extend its lines to Central Bridge if it so desires, but it was stated at the hearing that the residents of Central Bridge are very desirous of being furnished with electricity in the near future. The Commission having determined that public convenience and necessity require the exercise of the foregoing franchises by the Schoharie Valley Light and Power Corporation in the villages and towns mentioned, except in that portion of the town of Schoharie known as the unincorporated village of Central Bridge, it is

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law, the permission and approval of this Commission be and they hereby are given to the Schoharie Valley Light and Power Corporation to construct, maintain, and operate an electric plant in the village of Esperance, Schoharie county, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the board of trustees of said village on April 16, 1917, subject to all of the terms and conditions therein set forth.

2. That pursuant to the provisions of section 68 of the Public Service Commissions Law, the permission and approval of this Commission be and they hereby are given to the Schoharie Valley Light and Power Corporation to construct, maintain, and operate an electric plant in the town of Princetown, Schenectady county, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Princetown on April 14, 1917, subject to all of the terms and conditions therein set forth.

3. That pursuant to the provisions of section 68 of the Public Service Commissions Law, the permission and approval of this Commission be and they hereby are given to the Schoharie Valley Light and Power Corporation to construct, maintain, and operate an electric plant in the town of Duanesburgh, Schenectady county, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Duanesburgh on June 6, 1917, subject to all of the terms and conditions therein set forth.

4. That pursuant to the provisions of section 68 of the Public Service Commissions Law, the permission and approval of this Commission be and they hereby are given to the Schoharie Valley Light and Power Corporation to construct, maintain, and operate an electric plant in the town of Schoharie, Schoharie county, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Schoharie on June 29, 1917, subject to all of the terms and conditions therein set forth; but the said Schoharie Valley Light and Power Corporation or its successors shall not sell and distribute electricity in that portion of the town of Schoharie comprised within the unincorporated village of Central Bridge without the further order of this Commission.

5. That pursuant to the provisions of section 68 of the Public Service Commissions Law, the permission and approval of this Commission be and they hereby are given to the Schoharie Valley Light and Power Corporation to construct, maintain, and operate an electric plant in the town of Esperance, Schoharie county, N. Y., together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Esperance on June 26, 1917, subject to all of the terms and conditions therein set forth.

6. The approval of said franchises is not a determination, nor does it imply a determination, that the rates mentioned therein are just or reasonable or that they are not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York.

7. This order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 6220]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 24th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of ROCKLAND LIGHT AND POWER COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Stony Point, Rockland county, an electric plant; and for approval of a franchise therefor received from said town.

Petition filed October 1, 1917; affidavits of publication filed October 9, 1917; hearing held at the office of the Commission in the city of Albany October 22, 1917. Appearances: M. B. Patterson for the petitioner; Elwood C. Smith, by Henry R. Herman, as attorney for the Orange and Rockland Electric Company. This is an application by the Rockland Light and Power Company for permission to exercise a franchise granted to it by the town board of the Town of Stony Point on July 21, 1917. The petitioner has been doing business in the town of Stony Point for several years but has only recently ascertained that it had no franchise in said town, and it immediately took the necessary steps to secure such a franchise; and it now proposes to extend its service to the lighting district established in said town known as Tompkins Cove. The Orange and Rockland Electric Company is now supplying electricity in a portion of said town comprised in school district No. 7, and it asks that the Commission deny permission to the petitioner to exercise the franchise in question in that particular school district in said town so long as the Orange and Rockland Electric Company is engaged in business therein. It was stipulated on the record that this would be satisfactory to the petitioner. From the facts presented in this case, it is determined that public convenience and necessity require the exercise by the petitioner of the franchise granted by the town board of the Town of Stony Point on July 21, 1917, and it is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law, the permission and approval of this Commission be and the same hereby are given to the Rockland Light and Power Company

to construct, maintain, and operate an electric plant in the town of Stony Point, together with such transmission and distribution lines as may be required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Stony Point on July 21, 1917, subject to all of the terms and conditions therein set forth; except that said Rockland Light and Power Company shall not furnish and distribute electricity in that portion of the town of Stony Point comprised within school district No. 7 so long as the Orange and Rockland Electric Company is engaged in doing business therein, nor until approval to exercise such franchise in said school district shall be given by this Commission.

2. This order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 254]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHTE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF MOUNT VERNON and THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY, joined, under section 62 of the Railroad Law as to crossings by streets and avenues of the New York and Harlem railroad (leased to and operated by The New York Central and Hudson River Railroad Company) in said city.

In the matter of the Joint Petition of the CITY OF MOUNT VERNON, the CITY OF YONKERS, THE NEW YORK CENTRAL RAILROAD COMPANY, and the BRONX PARKWAY COMMISSION for a modification of orders of this Commission dated September 12, 1907, and June 27, 1912, the modification asked for being with respect to the location and construction and design of an overgrade crossing of the New York and Harlem railroad, lessor, extending from Broad street, city of Mount Vernon, to Vermont avenue, city of Yonkers.

Upon the recommendation of The New York Central Railroad Company as indicated by the signature of the manager of Grand Central Terminal Improvements upon detail plans showing the easterly and westerly stairways leading from the Broad Street viaduct as provided for in the Commission's determination in the above entitled matter of December 16, 1915, and upon the approval of the Bronx Parkway Commission as indicated by letter dated September 28, 1917, from its engineer and secretary, it is

Ordered: That said plans be and are hereby approved.

740 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in said city.

Ordered: 1. That the fourth intermediate accounting entered into by the Erie Railroad Company with the City of Jamestown and this Commission, showing expenditures to the amount of \$29,568.29, exclusive of interest, properly and necessarily incurred between October 1, 1916, and July 1, 1917, in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; said entire sum having been expended by the railroad corporation; the accounting having been accepted by the railroad corporation as indicated by the signature of its comptroller, and by the City of Jamestown as indicated by the signature of its mayor.

2. That of the total amount of \$29,568.29 thus expended and herein accounted for, the share of and the amount chargeable to the Erie Railroad Company is the sum of \$14,784.14; the share of the City of Jamestown is the sum of \$7392.08; and the share of the State of New York is the sum of \$7392.07, which last mentioned amount is now due and payable by the State of New York to said Erie Railroad Company from funds appropriated for the elimination of grade crossings.

[Case No. 4473]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to closing and discontinuing a highway grade crossing of the New York, Ontario and Western railway by a state highway No. 5510, in the town of Mamakating, Sullivan county, and the construction of a new piece of highway and an undergrade crossing at another location.

The work covered by the Commission's determination of January 20, 1915, in the above entitled matter having been entirely completed to the satisfaction

of the railroad company, and the State Commission of Highways as shown by a letter from the First Deputy Commissioner dated October 1, 1917, and to this Commission, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 2805]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petitions of THE NEW YORK, LACKAWANNA AND WESTERN RAILROAD COMPANY; THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY; the TOWN BOARD AND BOARD OF HIGHWAY SUPERINTENDENTS OF THE TOWN OF CHEEKTOWAGA, Erie county; and the PRESIDENT AND TRUSTEES OF THE VILLAGE OF SLOAN, Erie county; for the elimination of the Harlem Avenue grade crossing of the New York, Lackawanna and Western railway, the Lehigh Valley railroad, the Erie railroad, and the Lehigh and Lake Erie railroad in the town of Cheektowaga and Village of Sloan; and the Kennedy Road grade crossing of the New York, Lackawanna and Western railway, the Erie railroad, and the Lehigh Valley railroad in the town of Cheektowaga, Erie county.

Ordered: 1. That the second intermediate accounting entered into by The Delaware, Lackawanna and Western Railroad Company with the Lehigh Valley Railroad Company, the Erie Railroad Company, and the Town of Cheektowaga, showing expenditures to the amount of \$4941.22, exclusive of interest, properly and necessarily incurred to July 1, 1917, in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; the entire sum of \$4941.22 having been expended by The Delaware, Lackawanna and Western Railroad Company; said accounting having been accepted by The Delaware, Lackawanna and Western Railroad Company as indicated by the signature of its chief engineer; by the Lehigh Valley Railroad Company as indicated by the signature of its chief engineer; by the Erie Railroad Company as indicated by the signature of its assistant chief engineer; and by the Town of Cheektowaga as indicated by the signature of the town attorney.

2. That of the total amount of \$4941.22 thus expended and herein accounted for, the share of and the amount chargeable to The Delaware, Lackawanna and Western Railroad Company is the sum of \$1447.12; the shares of and the amounts chargeable to the Lehigh Valley Railroad Company and the Erie Railroad Company as fixed by contract dated February 3, 1917, are the respective sums of \$550.61, and \$472.89; the share of the Town of Cheektowaga is the sum of \$1235.29; and the share of the State of New York is the sum of \$1235.31, said last mentioned sum to be paid by the State out of funds appropriated for the elimination of grade crossings.

742 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 4486]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for the elimination of a grade crossing of the Saratoga and Schenectady railroad (leased to and operated by The Delaware and Hudson Company) by state highway No. 37-B, in the town of Ballston, Saratoga county.

The work covered by the Commission's determination of October 20, 1914, in the above entitled matter having been entirely completed in accordance with the requirements of said determination and approved detail plans and specifications to the satisfaction of this Commission and of the State Commission of Highways, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5155]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of ORANGE COUNTY PUBLIC SERVICE CORPORATION and JOHN J. RIORDAN, JR., under section 70 of the Public Service Commissions Law, being also the petition of the Orange County Public Service Corporation under sections 68 and 69 of the Public Service Commissions Law as to exercise of franchises and issuing common capital stock, a mortgage, and mortgage bonds.

Supplemental
order.

Petition filed August 27, 1915; inventories and appraisals of the properties to be transferred filed August 27, 1915; reports of division of capitalization dated December 17, 1915, June 12, September 15, and October 17, 1916, and January 30, 1917; reports of gas engineer dated February 28 and April 13, 1916; reports of electrical engineer dated April 20 and May 9, 1916; hearings held July 13, 1916, and January 31, February 8 and 23, 1917; supplemental petition filed January 26, 1917; form of proposed mortgage filed March 3, 1917; order entered March 28, 1917; second supplemental petition filed October 6, 1917; report of division of capitalization dated October 26, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Orange County Power Company, Port Jervis Light and Power Company, and Orange County Lighting Company are hereby authorized to acquire as of May 1, 1917, \$599,500 par value of the

capital stock of the Orange County Public Service Corporation which was authorized to be issued by order herein dated March 28, 1917.

2. That the authority contained herein is upon the express condition that the dissolution of the Orange County Power Company, Port Jervis Light and Power Company, and Orange County Lighting Company shall be accomplished promptly, and that within ninety days of the date of this order there shall be filed with this Commission a verified statement showing in detail the manner in which such dissolution has been accomplished.

3. That in all other respects the authority contained in the order previously entered herein on the 28th day of March, 1917, shall remain in full force and effect.

[Case No. 6178]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 30th day
of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE NEW YORK CENTRAL RAILROAD COMPANY
under section 54, Railroad Law (amended by chapter
564, laws 1915), for consent to the discontinuance
of the services of an agent at the North Frankfort
station, main line, Mohawk division.

The New York Central Railroad Company asks the consent of the Commission to discontinue its North Frankfort station as an agency station. North Frankfort is on the main line of the New York Central ten miles east of Utica and a little more than two miles west of North Ilion. There is a very small settlement at North Frankfort, but there is close to the station a bridge across the Mohawk river, and a short distance south of the river the village of Frankfort, which had a population in 1915 of 4213 according to the state census. Opposite North Ilion is the village of Ilion. Through Ilion and Frankfort passes the West Shore railroad, operated by The New York Central Railroad Company. The Frankfort station is about one-half mile from the North Frankfort station on the main line. The present passenger train service at North Frankfort is two trains a day bound west, and one train a day bound east. On the West Shore at Frankfort there are two trains each way daily. There is an electric railroad through Frankfort with half-hourly service to Utica, and more frequent service to Ilion, Mohawk, and Herkimer. The passenger receipts at North Frankfort for the months of April, May, and June, 1917, amounted to \$82.35; during the same period receipts from inbound freight were \$135.37; from outbound freight, \$78.60. At the hearing held in Utica September 28, 1917, the village and a representative of the Business Men's Association of Frankfort appeared in opposition. After receiving evidence on behalf of the applicant, the hearing was adjourned to afford an opportunity to introduce evidence in opposition if desired. The Commission has since been informed by the attorney for the village that he had elected not to offer further evidence, provided in case the Commission granted the application the matter could be reopened if such reopening should be warranted. It is proposed to maintain the passenger station building and the freight station building, to heat the passenger station in cold weather, and to light it in hours of darkness when so required. Freight will be handled at the present rates: cars for carload lots to be ordered and billed from North Ilion, but cars to be placed for loading and unloading on one of the present sidetracks which will be retained for that purpose. Less than carload

freight will still be handled at North Frankfort but billed from North Ilion. All inbound freight must be prepaid. Passenger trains will stop as heretofore. It is evident that passenger service for Frankfort and its environment will not be seriously impaired. By far the greater part of the freight business is now handled on the West Shore. What remains for the main line will still be handled, but not so conveniently. The traffic attributable to the station is apparently insufficient to pay the expense of maintaining it as an agency station, but the Commission makes this determination not so much upon this ground as because of the present shortage of man power. In present circumstances it does not seem that the company should be required to maintain a man of the capacity required for a station agent at a point where the traffic is so small in volume. It is therefore

Ordered: 1. That the Commission gives its consent to The New York Central Railroad Company to abandon its North Frankfort station as an agency station upon five days' notice to the public and to the Commission.

2. That said station shall be maintained for passenger and freight business as a prepaid or non-agency station in the manner above stated; that the applicant shall cause the waiting room of said station to be heated when so required for the comfort of passengers, and shall cause said waiting room to be lighted during hours of darkness for at least thirty minutes prior to the arrival time of each train scheduled to stop; that day and night said waiting room shall be kept open for the convenience of passengers for a period of at least thirty minutes before the scheduled time for the arrival of trains scheduled to stop thereat, and until the departure thereof; and when occasion requires, for such a reasonable period after departure as will enable persons having occasion to use said waiting room to find opportunity to depart therefrom.

3. That this order is without prejudice to an application by the village or by patrons of the road to restore the agency upon showing changed conditions.

4. That the applicant notify the Commission within ten days after the service of this order as to its acceptance thereof.

[Case No. 6210]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 30th day of October, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of THOS. W. MEACHEM, RALPH S. BOWEN, and WILLIAM A. MACKENZIE, as committee under the plan and agreement of reorganization of the Empire United Railways, Inc., for approval of the plan and reorganization, and consent to issue notes and give a mortgage as collateral thereto, and to issue bonds and stock.

Petition filed September 24, 1917; report of division of capitalization dated October 2, 1917. An application dated September 22, 1917, has been made herein for the approval of a plan dated February 23, 1917, for the reorganization of certain of the properties of the former Empire United Railways, Inc., including those of the former Syracuse, Lake Shore and Northern Railroad Company, and the Auburn and Northern Electric Railroad Company, a copy of which plan is filed with the application herein and marked exhibit B; and also for authority by the new company, the Empire

State Railroad Corporation, to take over the properties designated in such plan, and to issue notes and stock as set forth therein. The plan for reorganization has been the subject of several conferences, and as approved herein it has been modified by effecting a reduction in the amount of common and preferred stock and in other respects. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the plan for reorganization dated February 23, 1917, of certain of the properties of the Empire United Railways, Inc., being those portions known formerly as the Syracuse, Lake Shore and Northern Railroad Company, and Auburn and Northern Electric Railroad Company, together with certain property specifically owned by the Empire United Railways, Inc., as herein modified by the Commission, is hereby approved.

2. That the capitalization which the Empire State Railroad Corporation, the new company, may issue for the purpose of completing the said organization is as follows: (a) preferred capital stock, series A, of the par value of \$250,000: said stock to be 6 per cent cumulative preferred stock and to be a part of the total authorized issue of \$1,000,000 par value of this class of capital stock; (b) preferred capital stock, series B, of the par value of \$1,250,000: said stock to be 6 per cent non-cumulative preferred stock, being the entire authorized issue of this class of capital stock, provided that the matter of the exchange or conversion of said preferred stock designated as series B for or into series A preferred stock or any re-classification of said series B preferred stock is expressly reserved for the future determination of the Commission; (c) common capital stock of the par value of \$1,450,000, being a part of the total authorized issue of \$1,500,000 par value of this class of capital stock; or only such portions of the above securities as will be necessary to accomplish the purposes of the plan in so far as such purposes involve the distribution of securities to participants thereunder as hereinafter provided.

3. That the Empire State Railroad Corporation is hereby authorized to issue at its par value \$2,950,000 par value of capital stock to be classified as follows: \$250,000 par value preferred capital stock, series A; \$1,250,000 par value preferred capital stock, series B; \$1,450,000 par value common capital stock; for all of the properties and franchises of the former Syracuse, Lake Shore and Northern Railroad Company, Auburn and Northern Electric Railroad Company, and the property of the Empire United Railways, Inc., which was conveyed to the purchaser upon the sale at foreclosure of the mortgage securing the bonds of the last named company, together with all cash and [or] other assets remaining in the possession of the committee constituted by said plan for reorganization after making all disbursements authorized or required by the provisions of said plan.

4. That the issue and distribution of the aforesaid stock of the Empire State Railroad Corporation to the depositors under said plan for reorganization shall be as follows:

(b) To each depositor of \$1000 par value of bonds of the Empire United Railways, Inc., (the mortgage securing which has been foreclosed) who shall subscribe to an assessment of \$50 thereon:	
Preferred stock, series A, par value.....	\$66.66
Preferred stock, series B, par value.....	625.00
Common stock, par value.....	450.00
	<hr/>
	\$1,141.66
(b) To each depositor of \$1000 par value of bonds as above described who shall not pay the \$50 assessment:	
Preferred stock, series B, par value.....	\$550.00
Common stock, par value.....	400.00
	<hr/>
	\$950.00
(c) To holders of unsecured notes or indebtedness of the Empire United Railways, Inc., who shall subscribe \$170 for each \$1000 of such indebtedness:	
Preferred stock, series A, par value.....	\$226.66
Preferred stock, series B, par value.....	200.00
Common stock, par value.....	500.00
	<hr/>
	\$926.66

and in addition to the foregoing, securities of the Empire State Railroad Corporation, as herein authorized, may be issued to the "Managers" under the aforesaid plan of reorganization, as follows:

(d) As part of the consideration for their services effecting the reorganization herein generally, and specifically, among other things, for their services in effecting a sale of the hereinafter mentioned \$350,000 in three-year notes of the corporation:

Preferred stock, series B, par value.....	\$250,000.00
Common stock, par value.....	500,000.00
	<u>\$750,000.00</u>

5. That the Empire State Railroad Corporation is hereby authorized to execute and deliver to The Equitable Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its property, to secure an issue of three-year mortgage notes to the aggregate amount of \$500,000 face value, bearing interest at the rate of 6 per cent per annum, payable semi-annually, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any notes pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

6. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no notes secured thereby shall be issued or sold until the provisions of this clause have been satisfied.

7. That the Empire State Railroad Corporation is hereby authorized to issue \$350,000 face value of three-year 6 per cent notes under the aforesaid mortgage.

8. That said notes of the total face value of \$350,000 may be sold for not less than 95 per cent of their face value and accrued interest to give net proceeds of at least \$332,500.

9. That said notes of the face value of \$350,000 so authorized, or the proceeds thereof to the amount of \$332,500, shall be used solely and exclusively for the following purposes:

(a) For the discharge of the outstanding notes of the bondholders protective and [or] reorganization committee appointed under deposit agreement dated November 18, 1915, and [or] plan for reorganization dated February 23, 1917.....	\$276,000.00
(b) For the discharge of the outstanding debt of the former Empire United Railways, Inc., assumed by the Empire State Railroad Corporation, as follows:	
1. Equipment trust notes, series A.....	\$21,200.00
2. Kuhlman Car Trust notes.....	9,450.00
3. Mortgage on the Baldwinsville station property.....	7,000.00
	<u>37,650.00</u>
(c) For additions and betterments to the property of the petitioner as follows:	
1. Proposed construction as detailed in a statement dated September 27, 1917, filed with the papers herein.....	\$237,658.00
2. Paving assessments, Oswego and Fulton.....	27,000.00
	<u>264,658.00</u>
(d) For working capital.....	100,000.00
	<u>\$678,308.00</u>

Amount unprovided for..... \$345,808.00
in so far as the same may be applicable, provided (1) that such notes or the proceeds thereof shall be applied on such new construction summarized in subdivision (c) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to

income, in accordance with the definition contained in the Uniform System of Accounts for Street Railroad Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such notes over the actual cost thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in said statement dated September 27, 1917, filed herein, are not intended to be and must not be construed by the petitioner as having been determined by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform System of Accounts for Street Railroad Corporations; (5) that such working capital shall not be disbursed by such company for purposes properly chargeable to income but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

10. That none of the said notes herein authorized shall be hypothecated or pledged as collateral by the Empire State Railroad Corporation unless any such pledge or hypothecation shall have been expressly approved by this Commission.

11. That the Empire State Railroad Corporation shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been distributed or sold during such period in accordance with the authority contained herein; (b) the date of such distribution or sale; (c) to whom such securities were distributed or sold together with the actual distribution of such securities to the participants under the plan; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivisions (a), (b), and (d) of clause No. 9 of this order there shall be shown the amount used therefor during such period of the proceeds of the notes herein authorized; (g) with respect to subdivision (c) of clause No. 9 of this order there shall be shown (1) in detail the amount expended during such period of the proceeds of the notes herein authorized for each of the purposes set forth in said statement dated September 27, 1917, and the account or accounts under the Uniform System of Accounts for Street Railroad Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period. In reporting under sections (2) and (3) of subdivisions (g) of this clause there shall be further shown the expenditures of the proceeds of the notes herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

12. That the property and assets herein authorized to be acquired shall be entered upon the books of the new company, the Empire State Railroad Corporation, and charged to the prescribed subaccounts of fixed capital as

required in paragraph 23 of schedule A of the Uniform System of Accounts for Street Railroad Corporations, upon the basis of the actual cost to the predecessor companies or to the receivers thereof of such property and assets.

13. That the Empire State Railroad Corporation is hereby permitted in opening its books to set aside in the account "Reserve for Accrued Amortization of Capital" the sum of \$400,000.

14. That the Empire State Railroad Corporation shall allocate its fixed capital as of the date of the acquisition of the property and assets as herein authorized in a manner satisfactory to the Commission, and shall use for such purpose the reports of the Commission's divisions heretofore filed in connection with earlier proceedings of underlying or predecessor companies; provided that the amount by which the total par or face value of securities issued under the authority contained herein exceeds the allocated cash cost of fixed capital and other assets shall be charged to "Other Intangible Street Railroad Capital"; provided further, that the details of such allocation shall be submitted to the Commission for its approval not later than January 31, 1918, which approval must be obtained before such allocation is spread upon the books of the petitioner.

15. That this order is not intended and shall not be construed as a present determination by this Commission that the amount of fixed capital, other intangible street railroad capital, arrived at in accordance with the provisions of clause No. 14 hereof shall be deemed as the amount chargeable to such amount which shall hereafter be permanently carried as such by said company.

16. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the securities herein authorized and the money to be procured by the issue thereof are reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

Special Permission Tariffs, October, 1917.

No. 6743; August 13, 1917; Eugene Morris:

Ordered: That under application therefor dated August 10, 1917, various steam railroad corporations operating within the jurisdiction of this Commission, or their duly authorized agents, be and they are hereby authorized to file, on not less than five days' notice to the public and the Commission and effective not earlier than September 20, 1917, individual or agency tariffs, as the case may be, establishing increased rates on classified freight and on commodities taking stated percentages of class rates applicable to intrastate traffic within the State of New York as set forth in said application, which application is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it is given in order that uniform rates may apply to New York state traffic and interstate traffic, the Interstate Commerce Commission, by its decision in its I. & S. Docket No. 965, and the fifteen per cent case No. 57 (ex parte), having authorized the establishment of increased rates on classified freight and on commodities taking stated percentages of class rates on interstate traffic between points in Central Freight Association Territory. The Commission does not hereby approve any rates that may be filed under this authority, all

such rates being subject to complaint, investigation, and correction if in conflict with any of the provisions of laws of the State of New York.

Completed by proper tariff publications filed by various carriers.

No. 6800; October 2, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under their applications therefor dated September 29, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and they are hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, tariff schedules as superseding their respective tariffs of Car Demurrage Rules and Regulations governing cars containing bituminous coal for transshipment to vessels at the West Shore Coal Dock, N. Y. C. R. R. P. S. C., 2 N. Y., No. X-29, and West Shore P. S. C., 2 N. Y., No. X. W. S. 26, and reissue the matter contained therein without change except to amend Rule 1 so as to include cars of bituminous coal shipped via the Erie railroad. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. X-31, and P. S. C. No. X. W. S. 28; effective October 16, 1917.

No. 6801; October 3, 1917; The New York, Chicago and St. Louis Railroad Company:

Ordered: That under its application therefor dated October 1, 1917, The New York, Chicago and St. Louis Railroad Company be and is hereby authorized to file a supplement to its freight tariff P. S. C., 2 N. Y., No. 573, and therein provide for the cancellation, on or before October 13, 1917, of item 135-A (Rules regarding single-deck and double-deck live stock cars) as shown in supplement No. 4 to said tariff, the effective date of which item is now under postponement until October 13, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariff under Rule 9(e) of this Commission's Circular No. 55, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having granted similar permission.

Completed by supplement No. 10 to P. S. C. No. 573, effective October 13, 1917.

No. 6802; October 5, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 4, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule to apply on shipments of Logs, in carloads, weight not to exceed the marked capacity of car, from Horseshoe, N. Y., to Fulton Chain, N. Y., at rate of \$7 per car when handled in equipment furnished by carrier, and \$6.55 per car when handled in private equipment, no mileage or per diem charges to be allowed on private equipment. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3402, effective October 12, 1917.

No. 6803; October 5, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated October 4, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be

and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 47 cents per 2240 pounds to apply on shipments of Limestone or Fluxing Stone, in carloads, minimum weight 30 tons of 2240 pounds each, from Ravena, N. Y., to Troy, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1060, effective October 10, 1917.

No. 6804; October 5, 1917; Central New England Railway Company:

Ordered: That under its application therefor dated October 4, 1917, the Central New England Railway Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a joint tariff applying on Apples, green, in barrels, boxes, or crates; Peaches, Pears, and Plums; less than carloads and carloads, from Central New England Railway Company stations, in connection with The New York Central Railroad Company, to New York city stations, superseding its freight tariff P. S. C., 2 N. Y., No. 701, and reissue the rates shown therein without change except to establish rates applicable from Hopewell, N. Y., the same as are now in effect from Clove Branch Junction, N. Y., in said tariff P. S. C., 2 N. Y., No. 701. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 702, effective October 13, 1917.

No. 6805; October 6, 1917; Skaneateles Railroad Company:

Ordered: That under its application therefor dated October 6, 1917, the Skaneateles Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a local freight tariff of Freight Not Otherwise Specified and Commodity Rates, canceling its tariff P. S. C., 2 N. Y., No. 15, and reissuing same without change except to correct error by reducing minimum carload weight on Waste Paper Stock and Rags from 24,000 pounds to 20,000 pounds. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 16, effective October 15, 1917.

No. 6806; October 6, 1917; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That under its application therefor dated October 5, 1917, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing joint one-way fares from stations on its railroad to stations on the New York Central railroad as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 346, effective October 19, 1917.

No. 6807; October 6, 1917; The Long Island Railroad Company:

Ordered: That under its application therefor dated October 5, 1917, The Long Island Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing charges and regulations for special club car service as follows: Between New York (Pennsylvania station) and Roslyn N. Y., Sea Cliff, N. Y., Glen Cove, N. Y., Glen Cove (Glen street), N. Y., Locust Valley, N. Y., and Oyster Bay, N. Y., \$325 a

month and the purchase by the occupants of the car of not less than twenty monthly commutation tickets valid between New York (Pennsylvania station) and the stations named above and on regular trains between such stations, the car to make one round-trip daily, except Sundays and legal holidays, for not less than six months. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 449, effective October 15, 1917.

No. 6808; October 6, 1917; The Long Island Railroad Company:

Ordered: That under its application therefor dated October 5, 1917, The Long Island Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing charges and regulations for special club car service as follows: Between New York (Pennsylvania station), N. Y., and Babylon, N. Y., Bayshore, N. Y., Islip, N. Y., Great River, N. Y., Oakdale, N. Y., Sayville, N. Y., Bayport, N. Y., Blue Point, N. Y., and Patchogue, N. Y., \$425 a month and the purchase by the occupants of the car of not less than twenty monthly commutation tickets valid between New York (Pennsylvania station), N. Y., and the stations named above and on regular trains between such stations, the car to make one round-trip daily, except Sundays and legal holidays, for not less than six months. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 450, effective October 15, 1917.

No. 6809; October 8, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated October 5, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.06 per 2000 pounds to apply on shipments of Slag, carloads, minimum weight as per Official Classification, from Buffalo, N. Y., to all stations on the Arcade and Attica railroad. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 3 to G. O. P. S. C. No. 968, effective October 16, 1917.

No. 6810; October 8, 1917; E. Morris, Agent:

Ordered: That under application therefor dated October 5, 1917, railroad carriers in Central Freight Association Territory, or their duly authorized agents, subject to this Commission's jurisdiction, be and they are hereby authorized to file, without notice to the public and the Commission, supplements to tariffs containing commodity rates involved in the Interstate Commerce Commission's Investigation and Suspension Docket No. 965, postponing until October 30, 1917, the effective date of commodity rates which were postponed until September 30, 1917, between points and via routes within this State. Such postponement supplements shall bear date of issue but no effective date, and will not be counted against the number of supplements to tariffs permitted by Rule 9(e) of this Commission's Circular No. 55. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except as above noted, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and it is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by proper supplements to tariffs; filed October 11, 1917.

No. 6811; October 10, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 9, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna.,

and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rates on Fluid Milk, Buttermilk, Cream, Condensed Milk, and Pot Cheese, carloads and less carloads, from Mahopac, N. Y., to Melrose Junction, N. Y., and Mount Vernon, N. Y., the same as are contained in said carrier's tariff P. S. C., 2 N. Y., N. Y. C. No. 3348, as applicable from Baldwin Place, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 3348, effective October 15, 1917.

No. 6812; October 11, 1917; New York, Ontario and Western Railway Company:

Ordered: That under its application therefor dated October 10, 1917, the New York, Ontario and Western Railway Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its local and interdivision passenger tariff P. S. C., 2 N. Y., No. 84, and establish therein passenger fares for transportation over routes wholly within this State, in either direction, between Arrowhead, N. Y., and all other New York state stations on the line of the New York, Ontario and Western Railway Company. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 9 to P. S. C. No. 84, effective October 26, 1917.

No. 6813; October 11, 1917; Lehigh and New England Railroad Company:

Ordered: That under its application therefor dated October 9, 1917, the Lehigh and New England Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff of class rates P. S. C., 2 N. Y., No. 125, correcting title-page thereof to show that rates applicable on New York state traffic are effective September 20, 1917, under authority of this Commission's special permission No. 6658, of July 6, 1917, except as noted in individual items; and correcting pages 25 and 26 of said tariff to show that rates therein contained applicable on New York state traffic which are in excess of the amount permitted by said special permission No. 6658 are to become effective at a date not less than thirty days after the filing of the supplement herein authorized. Such corrections shall be as shown in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and is granted in order to permit correction of clerical errors.

Completed by supplement No. 1 to P. S. C. No. 125, effective October 18, 1917.

No. 6814; October 11, 1917; Arcade and Attica Railroad Corporation:

Ordered: That under its application therefor dated October 10, 1917, the Arcade and Attica Railroad Corporation be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.95 per 2000 pounds to apply on shipments of Logs, carloads, minimum weight 40,000 pounds, from North Java, N. Y., in connection with the Erie railroad and the New York Central railroad at Attica, N. Y., to Penn Yan, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 23, effective October 22, 1917.

No. 6815; October 13, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 11, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2667, eliminating therefrom rates on Boards, lined or unlined, but not coated, viz. Binders' Board, Boxboard, Chip Board, Paper Stock Board, Strawboard, Wood Pulp Board; also Paper, Building and Roofing, from Fulton, N. Y., to New York Central railroad stations Oneida, N. Y., to East Syracuse, N. Y., inclusive, and to West Shore railroad stations Oneida Castle, N. Y., to Kirkville, N. Y., inclusive; and from Phoenix, N. Y., to New York Central railroad stations Verona, N. Y., to East Syracuse, N. Y., inclusive, and to West Shore railroad stations Vernon, N. Y., to Kirkville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 2667, effective October 20, 1917.

No. 6816; October 13, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 11, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rates of 4.2 cents per 100 pounds on Grain, and 4.7 cents per 100 pounds on Grain Products, in carloads, as per list and minimum carload weights shown in its Exceptions to Official Classification, P. S. C., 2 N. Y., N. Y. C. No. 2648, and supplements thereto and reissues thereof, from Union Hill, N. Y., to Brighton, Kent Street, Portland Avenue, and State Street stations, Rochester, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 1891, effective October 20, 1917.

No. 6817; Various Railroad Companies:

Ordered: That under applications therefor based on First Supplemental Order issued by the Interstate Commerce Commission September 18, 1917, in its I. & S. Docket No. 1111, the carriers subject to the jurisdiction of this Commission be and they are hereby authorized, in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, to file supplements to their tariffs applying on various grades and kinds of anthracite coal, in carloads, which operate to increase rates by 15 cents per ton and which were filed to take effect July 1, 1917, but which are now under postponement until October 29, 1917, for the purpose of further postponing the proposed increased rates referred to until April 29, 1918. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e), Rule 9, Circular No. 55, and further that such postponement supplements need not bear date of effect.

Completed by proper schedules filed by various carriers.

No. 6818; October 16, 1917, The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) and the West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under applications therefor dated October 16, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna.,

and east) and the West Shore Railroad (The New York Central Railroad Company, lessee) be and they are hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, supplements to their tariff schedules containing rules governing freight deliveries at New York, N. Y., and other points, and also terminal regulations in New York harbor, bearing respectively P. S. C., 2 N. Y., N. Y. C. No. 2483, and P. S. C., 2 N. Y., W. S. No. 667, establishing as to said tariff P. S. C., 2 N. Y., N. Y. C. No. 2483, page 65, changes in Rule 4(e), and as to said tariff P. S. C., 2 N. Y., W. S. No. 667, page 63, changes in Rule 3(e), as set forth in exhibits attached to said applications, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and applies only to traffic as to which this Commission has jurisdiction.

Completed by supplement No. 35 to P. S. C. N. Y. C. No. 2483, and supplement No. 38 to P. S. C. W. S. No. 667; effective October 23, 1917.

No. 6819; October 17, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 17, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, without notice to the public and the Commission and under an effective date of October 18, 1917, a tariff schedule establishing the following rates to apply on shipments of Fluid Milk, in forty-quart cans, from Pierrepont Manor, N. Y., and Glenfield, N. Y., over the New York Central railroad to Newport, N. Y.; and from Pierrepont Manor, N. Y., over the New York Central and West Shore railroads to Frankfort, N. Y.: less than carloads, minimum 75 cans, 27.3 cents per can; carloads, minimum 250 cans, 23.9 cents per can. Said rates are not to include icing but will include the free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3408, effective October 18, 1917.

No. 6820; October 18, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 17, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission, a tariff schedule establishing the following rates to apply on shipments of Fluid Milk, in forty-quart cans, from Potsdam, N. Y., to Canton, N. Y.: carloads, minimum 250 cans, 21.1 cents per can; less carloads, minimum 75 cans, 24.2 cents per can. Said rates are not to include icing but will include the free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3414, effective October 22, 1917.

No. 6821; October 19, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 18, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 53 cents per 2000 pounds to apply on shipments of Ice, carloads, minimum weight 50,000 pounds, from Lyons Falls, N. Y., Port Leyden, N. Y., and Denley, N. Y., to Stittville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3413, effective October 22, 1917.

No. 6822; October 20, 1917; Delaware and Northern Railroad Company:

Ordered: That under its application therefor dated October 19, 1917, the Delaware and Northern Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within ten days from the date hereof, a tariff establishing therein rate of 40 cents per two thousand pounds on Sand, in carloads, minimum weight 60,000 pounds, from East Branch, N. Y., to Arkville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 189, effective October 25, 1917.

No. 6823; October 23, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 22, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 89 cents per 2000 pounds to apply on shipments of Sand and Gravel, carloads, minimum weight 60,000 pounds, to Cayuga, N. Y., from the following New York state stations: Carroll Street, Louisiana Street, Ohio Street, and Erie Street stations, Buffalo; East Buffalo, Black Rock, Harriet, North Tonawanda, LaSalle, Echota, Niagara Falls, Suspension Bridge, Lewiston, and Lockport. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 12 to P. S. C. N. Y. C. No. 2329, effective November 1, 1917.

No. 6824; October 24, 1917; New York, Ontario and Western Railway Company:

Ordered: That under its application therefor dated October 24, 1917, the New York, Ontario and Western Railway Company be and is hereby authorized to file, without notice to the public and the Commission and under an effective date not earlier than October 26, 1917, a supplement to its local and interdivision passenger tariff P. S. C., 2 N. Y., No. 84, reissuing without change supplement No. 9 to said tariff except to provide that fares on pages 9 and 10 thereof will apply in either direction between Arrowhead, N. Y., and other New York, Ontario and Western railway New York state stations as named, instead of from Arrowhead to said stations; and also correct the fare now shown on page 10 of said supplement as 11 cents from Arrowhead, N. Y., to Fulton (Broadway), N. Y., to read 8 cents. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 9 to P. S. C. No. 84, effective October 26, 1917.

No. 6825; October 26, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 25, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, under an effective date not earlier than November 28, 1917, a tariff schedule for the purpose of correcting error in supplement No. 4 to its tariff P. S. C., 2 N. Y., N. Y. C. No. 3242, by eliminating therefrom West Seneca, N. Y., as an emergency icing station. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 5 to P. S. C. N. Y. C. No. 3242, effective November 28, 1917.

No. 6826; October 26, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee) :

Ordered: That under its application therefor dated October 25, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, under an effective date not earlier than November 28, 1917, a tariff schedule for the purpose of correcting error in supplement No. 4 to its tariff P. S. C., 2 N. Y., W. S. No. 972, by eliminating therefrom West Seneca, N. Y., as an emergency icing station on the New York Central railroad (line Buffalo, N. Y., Clearfield, Penna., and east). This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 5 to P. S. C. W. S. No. 972, effective November 28, 1917.

No. 6827; October 26, 1917; Rutland Railroad Company:

Ordered: That under its application therefor dated October 25, 1917, the Rutland Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rate of 95 cents per 2000 pounds to apply on shipments of Crushed Stone, carloads, minimum weight to be 90 per cent of the marked capacity of car, but in no case less than 54,000 pounds, from Brainard, N. Y., via Chatham, N. Y., Boston and Albany railroad, Albany, N. Y., and The Delaware and Hudson Company's railroad to Watervliet, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 847, effective November 3, 1917.

No. 6828; October 27, 1917; E. Morris, Agent:

Ordered: That under application therefor dated October 27, 1917, railroad carriers in Central Freight Association Territory, or their duly authorized agents, subject to this Commission's jurisdiction be and they are hereby authorized to file, without notice to the public and the Commission, supplements to tariffs containing commodity rates involved in the Interstate Commerce Commission's Investigation and Suspension Docket No. 965, further postponing until November 20, 1917, the effective date of commodity rates which were postponed until October 30, 1917, between points and via routes within this State. Such postponement supplements shall bear date of issue but no effective date, and will not be counted against the number of supplements to tariffs permitted by Rule 9 (e) of this Commission's Circular No. 55. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; and it is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic.

Completed by proper schedules filed by various carriers.

No. 6829; October 27, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East) :

Ordered: That under its application therefor dated October 26, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.05 per ton of 2240 pounds to apply on shipments of Pig Iron, in carloads, minimum weight 25 tons of 2240 pounds each except when the marked capacity of the car is less, in which case the marked capacity of car will be the minimum weight, but in no case shall the minimum be less than 15 tons of 2240 pounds each, from Troy, N. Y., to Peekskill, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and

filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3420, effective November 3, 1917.

No. 6830; October 27, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 26, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.90 per gross ton of 2240 pounds to apply on shipments of Pig Iron, in carloads, minimum weight 25 gross tons except when the marked capacity of car is less, in which case the marked capacity of car will be the minimum weight, but in no case shall the minimum be less than 15 gross tons, from Troy, N. Y., via Newburgh, N. Y., and the Erie railroad to Monroe, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3421, effective November 3, 1917.

No. 6831; October 29, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 27, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 19.2 cents per 100 pounds to apply on carload shipments of Apples, in bulk, minimum carload weight 24,000 pounds, to Bouckville, N. Y., via Chatham, N. Y., Boston and Albany railroad, West Albany Transfer, N. Y., New York Central railroad, Utica, N. Y., and the New York, Ontario and Western railway, from New York state stations: Chappaqua, Goldens Bridge, Lake Mahopac, Dykemans, Patterson, Pawling, Wingdale, Dover Furnace, Dover Plains, Sharon, Colemans, Miller-ton, Mt. Riga, Boston Corners, Hillsdale, Craryville, and Ghent. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 13 to P. S. C. N. Y. C. No. 3006, effective November 5, 1917.

No. 6832; October 29, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 27, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within ten days from the date hereof, a tariff schedule establishing rate of \$1.05 per cord to apply to shipments of Wood, consisting of Log Butts, Slabs, and Cord Wood, in carloads, minimum twelve cubic cords, from Meno, N. Y., to St. Regis Falls, N. Y. Such tariff may provide that it will expire with the close of business November 25, 1917, and contain reference to the tariff schedule in which rate applicable on like traffic will thereafter be found. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3422, effective November 3, 1917.

No. 6833; October 30, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 27, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, not later than and under an

effective date of November 26, 1917, a tariff schedule canceling its tariff P. S. C., 2 N. Y., N. Y. C. No. 3410, and reissuing the matter contained therein without change except to make applicable on Log Butts, Slabs, and Cordwood, in carloads, minimum 12 cubic cords, from Meno, N. Y., to St. Regis Falls, N. Y., the rate of \$1.05 per cord contained in said tariff as applicable on cordwood only between the same points. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3423, effective November 26, 1917.

No. 6834; October 30, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 29, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rate of \$1.05 per 2000 pounds to apply on carload shipments of Cordwood, minimum carload weight 40,000 pounds, from Cold Spring, N. Y., to 33rd Street, New York, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. Co. No. 3424, effective November 5, 1917.

No. 6835; October 30, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 29, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of November 15, 1917, a supplement to its tariff P. S. C., 2 N. Y., N. Y. C. No. C-36, correcting page 11 of said tariff to show rate of \$1.90 per ton of 2000 pounds as applicable on shipments of Coke, Coke Breeze, and Coke Dust (including gas house coke, but excluding petroleum coke), in carloads, minimum weight 20 net tons per car, from Geneva, N. Y., to Dutchess Junction, N. Y., instead of rate of \$2.15 per ton of 2000 pounds; also correcting reference mark shown on page 12 of tariff in connection with rate of \$1 per ton of 2000 pounds applying from Geneva, N. Y., to stations Corfu, N. Y., to Lewiston, N. Y., inclusive, to the same reference mark as now shown on same page of tariff in connection with rate of 90 cents per ton of 2000 pounds applicable to stations Cold Water, N. Y., to West Batavia, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. C-36, effective November 15, 1917.

No. 6836; October 31, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated October 29, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and effective not earlier than November 7, 1917, a supplement to its freight tariff P. S. C., 2 N. Y., N. Y. C. No. 2117, establishing rate of 15.8 cents per 100 pounds to apply on carload shipments of Hay, pressed in bales, from stations on its line shown in said tariff as taking index Nos. 555 to 566 inclusive, to stations on the Erie railroad shown in said tariff as taking index Nos. 72 to 75 inclusive; and eliminate rate of 20 cents per 100 pounds on said commodity from stations on its line shown in said tariff as taking index Nos. 237 to 267 inclusive, 271 to 371 inclusive, and 471 to 541 inclusive, to stations on the Erie railroad shown in said tariff as taking index Nos. 72 to 75 inclusive. This authority does not waive any

of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required, and is given in order to permit corrections.

Completed by supplement No. 48 to P. S. C. N. Y. C. No. 2117, effective November 7, 1917.

No. G-13; October 5, 1917; Elmira Water, Light and Railroad Company:

Ordered: That under its application therefor dated October 4, 1917, the Elmira Water, Light and Railroad Company be and is hereby authorized to file, without notice to the public and the Commission and under an effective date of October 8, 1917, a revised Service Classification No. 2 to its general schedule for gas P. S. C., 2 N. Y., No. 1, establishing lighting and fuel rates and regulations for natural gas as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by First Revised Leaf No. 7 to P. S. C. No. 1, effective October 8, 1917.

760 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 14th day of August, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of carriers for relief from the provisions of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917, so as to permit ordinary changes in rates pending action upon applications for relief from the provisions of said section.

Upon application of the carriers operating within the jurisdiction of this Commission, filed August 4, 1917, by C. C. McCain, their joint agent; it appearing to the Commission that the convenience of the carriers, the public, and the Commission will be better served by granting the relief prayed for in said application, therefore it is

Ordered: 1. That as to and confined in all cases to freight rates which are included in and covered by applications for relief from the provisions of section 36 of the Public Service Commissions Law of the State of New York, as amended by act approved June 9, 1917, that were filed with the Commission on or before August 4, 1917, and until such applications including and covering such freight rates have been passed on by the Commission, carriers may file with the Commission, in the manner and form prescribed by law and by the Commission's regulations, such changes in rates as occur in the ordinary course of their business, continuing higher rates at intermediate points, and through rates higher than the combination of intermediate rates, providing that in so doing the discrimination against intermediate points is not thereby increased.

2. That as to and confined in all cases to freight rates which are included in and covered by applications as hereinbefore described, carriers may file, in the manner and form prescribed by law and by the Commission's regulations, changes in rates under the following conditions, although the discrimination against intermediate points is thereby increased:

Sec. 1. A through rate which is in excess of the aggregate of the intermediate rates lawfully published and filed with the Commission may be reduced to equal the sum of the intermediate rates.

Sec. 2. Where a through rate has been or is hereafter reduced under the authority of section 1 of this order, carriers maintaining through rates via other routes between the same points may meet the rate so made by the route initiating the reduction.

Sec. 3. Where a reduction is made in the rate between two points under the authority of section 1 of this order, such reduction may extend to all points in the group which take the same rates as does the point from or to which the rate has been reduced.

Sec. 4. Where through rates are in effect which exceed the lowest combination of rates lawfully published and filed with the Commission, carriers may correct said through rates by reducing the same to equal such lowest combination.

Sec. 5. A longer line or route may reduce the rates in effect between the same points or groups of points to meet the rates of a shorter line or route when the present rates via either line do not conform to section 36 of the Public Service Commissions Law, under the following circumstances: (a) where the longer line is meeting a reduction in rates initiated by the shorter line; (b) where the longer line has not at any time heretofore met the rates of the shorter line.

Sec. 6. A newly constructed line publishing rates from and to its junction points under the authority contained in paragraph (b) of section 5 may establish from and to its local stations rates in harmony with those established from and to junction points.

Sec. 7. Carriers whose rates between certain points do not conform to section 36 of the Public Service Commissions Law, which rates have been made lower than rates at intermediate points to meet the competition of water or rail-and-water carriers between the same points, may make such further reductions in rates as may be required to continue to effectively meet the competition of rail-and-water or all-water lines.

Sec. 8. Where rates are in effect from or to a point that are lower than rates effective from or to intermediate points, carriers may extend the application of such rates to, or establish rates made with relation thereto, at points on the same line adjacent or in close proximity thereto, provided that no higher rates are maintained from and to points intermediate to the former point and the new point to which the application of the same or relative rates has been extended.

Sec. 9. Where there is a rate on a commodity from or to one or more points in an established group of points from and to which rates are ordinarily the same, but the rate on the said commodity does not apply at all points in the said group, such rate may be made applicable to or from all of such other points.

Sec. 10. Where there is a definite and fixed relation between the rates from and to adjacent or contiguous groups of points, and the rates to or from one of said groups are changed, corresponding changes may be made in the rates of the other groups to preserve such relation.

Sec. 11. In cases where no through rates are in effect via the various routes or gateways between two points, and the combination of lawfully published and filed rates via one gateway make less than the combination via the other gateways, a through rate may be established on the basis of the combination via the gateway over which the lowest combination can be made, and made applicable via all gateways.

Sec. 12. In cases where through rates are in effect between two points via one or more routes or gateways, which are higher than the combination of lawfully published and filed rates via one of these gateways, different carload minima being used on opposite sides of the gateway, a through rate may be established equal to the lowest combination of lawfully published and filed rates, using the higher of the carload minima but continuing the present higher through rate if based upon a lower carload minimum.

The Commission does not hereby approve any rates that may be filed under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction if considered to be in conflict with any of the provisions of the laws of the State of New York.

3. That when the Commission passes upon any application for relief from the provisions of section 36 of the Public Service Commissions Law as amended by act approved June 9, 1917, with respect to the rates referred to herein, the order issued with relation thereto will automatically cancel the authority herein granted as to the rates covered and affected by such order.

[Case No. 4108]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 1st day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an alteration as to the manner in which state highway No. 5346 crosses the tracks of the St. Lawrence and Adirondack divisions of the New York Central and Hudson River railroad about 0.6 mile north of Remsen station, in the town of Remsen, Oneida county, N. Y.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY for the elimination of the Saw Mill highway and Phelps highway grade crossings of the tracks of the St. Lawrence and Adirondack divisions of the New York Central and Hudson River railroad, the Phelps highway crossing being located north and the Saw Mill highway being located south of the state highway crossing.

Ordered: 1. That an accounting entered into by The New York Central Railroad Company with the State Commission of Highways, showing expenditures to the amount of \$51,059.27 properly and necessarily incurred in carrying out the Commission's orders in the above entitled matter to September 1, 1917, be and it is hereby approved; of which said amount the sum of \$48,764.61 has been expended by the railroad corporation, and the sum of \$2294.66 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$51,059.27 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$25,529.64, and the share of the State of New York is the sum of \$25,529.63, upon which it is entitled to a credit of \$2294.66 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said The New York Central Railroad Company from funds appropriated for the improvement and construction of highways the sum of \$23,234.97.

[Case No. 4240]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Supplemental Petition of THE LAWRENCE PARK HEAT, LIGHT AND POWER COMPANY under section 68 of the Public Service Commissions Law as to carrying two electric wires across the Pondfield road, in the village of Bronxville.

Amendatory
order.

After due deliberation it is

Ordered: That the ordering clause of the order of this Commission in this matter of June 23, 1914, is hereby amended to read as follows:

"Ordered: That this Commission hereby permits and approves The Lawrence Park Heat, Light and Power Company constructing in the village of Bronxville, Westchester county, conduits beneath the surface of the Pondfield road and the placing therein of one pair of lighting wires for furnishing the Colonial Building with electricity; and hereby permits and approves the exercise of rights and privileges under a franchise therefor received by The Lawrence Park Heat, Light and Power Company from the board of trustees of the Village of Bronxville September 9, 1913, as amended December 9, 1913; and that this permission shall also apply to a building on Kraft avenue contiguous to the Colonial Building and owned by The Lawrence Park Realty Company, to serve which no further franchise is required from the Village of Bronxville."

[Case No. 4252]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law for an order determining that the crossing at grade of the Albany and Susquehanna railroad (leased to and operated by The Delaware and Hudson Company) by a highway known as State route No. 7, section 4, in the town of Bainbridge, Chenango county, shall be changed from grade.

Ordered: 1. That an accounting entered into by The Delaware and Hudson Company with the State Commission of Highways showing expenditures to the amount of \$39,588.80, including interest, properly and necessarily incurred in carrying out the Commission's order in the matter above entitled, be and it is hereby approved; of which said amount the sum of \$39,486.27 has been expended by the railroad corporation, and the

sum of \$102.53 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and accepted by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$39,588.80 thus expended and herein accounted for, the share of and the amount chargeable to The Delaware and Hudson Company is the sum of \$19,794.40, and the share of the State of New York is the sum of \$19,794.40, upon which it is entitled to a credit of \$102.53 expended by it as aforesaid, leaving as a balance now due and payable by said State of New York to said The Delaware and Hudson Company from funds appropriated for the improvement of highways the sum of \$19,691.87.

[Case No. 5910]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 1st day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Practices of Carriers in the Application of Their Tariffs Relating to the Furnishing of Grain Doors and Bulkheads, and the Reasonableness of the Maximum Allowance Made under such Tariffs when Lumber for Grain Doors or Bulkheads is Furnished by the Shipper.

Upon the facts found and for the reasons stated in the accompanying Opinion it is

Ordered: 1. That the respondents, The New York Central Railroad Company; Erie Railroad Company; Lehigh Valley Railroad Company; The Pennsylvania Railroad Company; Frank Sullivan Smith, as receiver of The Pittsburg, Shawmut and Northern Railroad Company; The Delaware, Lackawanna and Western Railroad Company; Buffalo, Rochester and Pittsburgh Railway Company; The Delaware and Hudson Company; Genesee and Wyoming Railroad Company; Skaneateles Railroad Company; Marcellus and Otisco Lake Railway Company, be and the same hereby are severally directed and required to publish and file, in the manner prescribed by the Public Service Commissions Law and the regulations of this Commission established thereunder, tariff schedules applicable to the transportation of grain and produce, in bulk, within the State of New York, providing allowances for grain doors and bulkheads where the lumber therefor is provided by the shipper, at the rate of five mills per cwt. of loading in the car.

2. That said tariffs shall be filed on or before November 10, 1917, and may become effective upon five days' notice to the Commission and the public.

3. That within ten days after service of a copy of this order the respondents shall severally notify the Commission as to their acceptance thereof.

[Case No. 6104]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 1st day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of NEW YORK, ONTARIO AND WESTERN RAILWAY
COMPANY under section 54, Railroad Law (amended
by chapter 564, laws of 1915), for consent to the dis-
continuance of its Mechanicstown station, near
Middletown.

The New York, Ontario and Western Railway Company having filed with
the Commission a petition under section 54 of the Railroad Law (amended
by chapter 564, laws of 1915) for consent to the discontinuance of its
Mechanicstown station, near Middletown; and notice of a public hearing
upon the said application having been given in accordance with the rules
of the Commission, and such hearing having been held; and the Commission
having as a result of such hearing and from a subsequent investigation of
conditions in the neighborhood affected by this application by its division
of steam railroads reached the conclusion that from a business standpoint
the maintenance of a station at Mechanicstown is an unwarranted burden
upon the petitioner, that the said station is now of little or no value to
the public, and that its discontinuance would work no material hardship
on the community, it is hereby

Ordered: That the petition of the New York, Ontario and Western Rail-
way Company, under section 54, Railroad Law (amended by chapter 564,
laws of 1915), for consent to the discontinuance of its Mechanicstown station,
near Middletown, be and the same hereby is granted, and that the case be
closed upon the records of the Commission.

[Case No. 6212]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 1st day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE SOUTH BUFFALO
RAILWAY COMPANY under section 53 of the Public
Service Commissions Law for permission to con-
struct a sidetrack at grade across Hopkins street,
in the city of Buffalo; and for the approval of the
exercise of the revocable permit therefor received
from the city.

The South Buffalo Railway Company filed its petition herein on the
11th day of September, 1917: it asks for approval of a revocable license
or franchise granted to said company by the City of Buffalo August 8, 1917
(amended permit granted September 26, 1917), authorizing said railway

company to extend its switch track across Hopkins street about 150 feet north of the south line of lot numbered forty-five (45) at grade, according to a plan thereof filed with said city in this matter. Hearings were duly held by the Commission herein in the city of Buffalo on the 12th and 26th days of October, 1917, pursuant to notice thereof duly published in accordance with the rules of this Commission; at said hearings Messrs. J. L. Kenefick, L. L. Babcock, and E. N. Tewkesbury appeared for the petitioner; J. J. Hurley for the City of Buffalo; and E. C. Randall for owners of lands through which said switch track is to be constructed. It appears that the purpose of the proposed track is to afford facilities to manufactories in its neighborhood to enable them to ship and receive freight, thereby saving long distance hauls which would otherwise be necessary; also that all the land in this section is or will be devoted to manufacturing purposes, and that the extension of said track across Hopkins street at grade will not injuriously affect the public interest nor the travel upon such street. It further appears that on the 24th day of October, 1917, the City of Buffalo, pursuant to the provisions of its charter, again duly granted a revocable permit or franchise to the petitioner to cross said Hopkins street at the point hereinbefore mentioned with said switch track at grade; said revocable permit or franchise, duly certified and marked "Applicant's Exhibit No. 2," was presented to the Commission at said hearing on October 26th and filed with the papers in the case. From all such papers, proofs, and proceedings, and the fact that there was no opposition to the granting of this petition, the Commission hereby determines that the construction of said switch track across Hopkins street in the manner and to the extent provided for in said franchise, and the exercise of said franchise or revocable permit therefor, are necessary and convenient for the public service; and it is therefore

Ordered: 1. That permission and approval are hereby given to the petitioner, The South Buffalo Railway Company, to lay, construct, maintain, and operate a switch track across Hopkins street, about 150 feet north of the south line of lot numbered forty-five (45), at the grade of the street, said Hopkins street being one of the public streets of said city; this permission and approval being pursuant to and in accordance with the plans for said switch track presented to the City of Buffalo in this matter and mentioned in said franchise.

2. That permission and approval are hereby given to the said petitioner, The South Buffalo Railway Company, to exercise all the rights and privileges conferred by the said revocable permit or franchise granted to said railway company by the City of Buffalo dated 24th day of October, 1917, a certified copy of which is filed with the papers in this case.

[Case No. 5914]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of RANDOLPH LIGHT AND POWER COMPANY, INC., under section 69 of the Public Service Commissions Law for authority to issue a mortgage for \$50,000 and one 6 per cent bond for the same amount.

Second
supplemental
order.

Petition filed February 26, 1917; report of division of capitalization dated February 28, 1917; order entered March 1, 1917; report of division of capitalization dated October 4, 1917; supplemental order entered October 4, 1917. It appearing that the delivery of the mortgage for \$50,000 and the sale of the

bond of like amount authorized in the order herein dated March 1, 1917, is still delayed pending the curing of certain defects in the title to some of the mortgaged property, it is

Ordered: 1. That the order herein dated March 1, 1917, as supplemented by order dated October 4, 1917, is hereby further modified in such manner as to permit the Randolph Light and Power Company, Inc., to pledge its 6 per cent 10-year mortgage bond of \$50,000 face value therein authorized to be issued for an additional thirty days from the date of this order.

2. That in all other respects the terms and conditions of the orders entered herein under date of March 1 and October 4, 1917, shall remain in full force and effect.

[Case No. 6243]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 5th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the DIRECTORS OF THE GLENFIELD AND WESTERN RAILROAD COMPANY under section 85 of the Railroad Law for permission to cease operation of said company's railroad during the coming winter season.

An application of the Glenfield and Western Railroad Company dated October 30, 1917, for permission to cease operation of its railroad between Glenfield on the New York Central railroad and Monteola, Lewis county, from December 1, 1917, to May 1, 1918, was filed with this Commission on October 31, 1917. The principal business of this railroad is the transportation of lumber and the employees of the companies producing the lumber, which business does not exist during the period mentioned in the application. For a number of years past this Commission has permitted this company to discontinue operation during the winter months, on compliance with section 85 of the Railroad Law, it appearing that the public interest would not suffer thereby, but the present application was not received in time to permit the required four weeks' public notice before the desired date of cessation of operation. Now therefore

Ordered: That under section 85 of the Railroad Law permission be and hereby is given to the Glenfield and Western Railroad Company to cease the operation of its railroad from and after December 7, 1917, to April 30, 1918, both inclusive.

Further Ordered: That a certified copy of this order shall be posted in all depots and at the termini of said railroad and published in every newspaper in each town in any part of which said railroad is constructed at least four weeks prior to the date of said cessation; and that proof of such posting and publication shall be filed with this Commission by said railroad corporation.

768 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day
of November, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of the Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

Ordered: 1. That the third intermediate settlement entered into by The New York Central Railroad Company with the City of Ogdensburg, showing expenditures to the amount of \$14,110.76 properly and necessarily incurred to September 1, 1917, in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$14,084.92 has been expended by the railroad corporation, and the sum of \$25.84 has been expended by the city; said settlement having been accepted by the railroad corporation as indicated by the signature of its treasurer, and by the City of Ogdensburg as indicated by the signature of its mayor.

2. That of the total amount of \$14,110.76 thus expended and herein accounted for, the share of and the amount chargeable to the railroad company is the sum of \$7055.38; the share of the City of Ogdensburg is \$3527.69, upon which it is entitled to a credit of \$25.84, leaving as a balance now due and payable by said city of \$3501.85; and the share of the State of New York is the sum of \$3527.69, which is now due and payable by the State to The New York Central Railroad Company from funds appropriated for the elimination of grade crossings.

[Case No. 5564]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 8th day
of November, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the TOWN BOARD OF THE TOWN OF YORK, Livingston county, and THE DELAWARE, LACKAWANNA AND WESTERN RAILROAD COMPANY under section 91 of the Railroad Law as to the closing and discontinuance of the LeRoy-Alexander highway grade crossing of the New York, Lackawanna and Western railroad, the construction of a new piece of highway, and the diversion of travel from said crossing to the grade crossing of the Fowlerville-Pavilion Center road.

The work covered by the Commission's determination of July 10, 1916, in the above entitled matter having been entirely completed in accordance with the requirements of said determination to the satisfaction of the railroad, the town board, and this Commission, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5687]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the City of Albany on the 8th day of November, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the petition of the TOWN BOARD OF THE TOWN OF ESPERANCE, Schoharie county, under section 91 of the Railroad Law for an order determining that two highway grade crossings of the Albany and Susquehanna railroad (leased to and operated by The Delaware and Hudson Company) in said town shall be closed and discontinued, and a new piece of highway and an under-crossing of said railroad be constructed.

The work covered by the Commission's determination in the above entitled matter having been entirely completed in accordance with the requirements of said determination and approved general and detail plans to the satisfaction of this Commission and of the town board of the Town of Esperance, it is

Ordered: That the completed work be and it is hereby approved.

[Case No. 5859]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the LONG ISLAND LIGHTING COMPANY and THE SUFFOLK LIGHT, HEAT AND POWER COMPANY under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the last named company to the first named company; Long Island Lighting Company also asking in this petition under section 69, Public Service Commissions Law, authority to issue \$150,000 common capital stock, \$225,000 in first mortgage 5 per cent 25-year gold bonds, and to make a supplement to its mortgage.

Petition filed January 8, 1917; report of division of capitalization dated June 21, 1917; report of division of light, heat, and power dated September 26, 1917; final report of division of capitalization dated October 23, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated October 23, 1917, which on October 27, 1917, was sent to the petitioners herein, such entries being listed on pages 6 to 9 inclusive thereof, shall be entered upon the books of The Suffolk Light, Heat and Power Company prior to the transfer of its property and assets to the said Long Island

Lighting Company as hereinafter authorized, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That The Suffolk Light, Heat and Power Company is hereby authorized to transfer its franchises and sell all of its property and assets to the Long Island Lighting Company as of December 31, 1916, free and clear of all indebtedness, for the sum of \$357,689.86, in accordance with the terms of a contract or agreement dated December 1, 1916, a copy of which is attached to the petition herein, which agreement shall be amended or supplemented in such manner as to render it effective as of December 31, 1916, the date designated herein.

3. That the Commission hereby permits and approves the transfer to and acquisition by the Long Island Lighting Company of such property and assets of The Suffolk Light, Heat and Power Company, and the exercise of all the rights and privileges of the franchises when so transferred to it, subject however to all the terms and conditions thereof.

4. That the Long Island Lighting Company is hereby authorized to execute and deliver to the Bankers Trust Company, as successor trustee by merger to the Mercantile Trust Company, a corporation organized and existing under the laws of the State of New York, a fifth supplement to its deed of trust or mortgage dated March 1, 1911, securing an authorized issue of 5 per cent 25-year first mortgage gold bonds to the aggregate amount of \$6,000,000, a copy of which supplement is attached to the petition herein as exhibit 13; and that the form of such supplement is hereby approved.

5. That upon the execution and the delivery of said fifth supplement to such mortgage dated March 1, 1911, there shall be filed with this Commission a copy of the same in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the supplement as executed and delivered is the same as that herein approved by the Commission.

6. That the Long Island Lighting Company is hereby authorized to issue \$225,000 face value of its 5 per cent 25-year first mortgage gold bonds under the aforesaid mortgage and supplements thereto.

7. That the Long Island Lighting Company is hereby authorized to issue \$150,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least that amount.

8. That said bonds of the face value of \$225,000 may be sold for not less than 92 per cent of their face value and accrued interest to give net proceeds of at least \$207,000.

9. That said bonds and stock of the total face and par value of \$375,000, or the proceeds thereof to the amount of \$357,000, shall be used solely and exclusively for the purchase and acquisition of all of the property and assets of The Suffolk Light, Heat and Power Company hereinbefore mentioned, provided that the investment in such assets shall, when the same are purchased, be at least equal to the investment in those owned by such corporation at December 31, 1916, as reported by the Commission's division of capitalization in its final report herein dated October 23, 1917.

10. That if the said securities of the total face and par value of \$375,000 shall be sold at such price as will enable the company to realize net proceeds of more than \$357,689.86, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any other purpose without the further order of the Commission.

11. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Long Island Lighting Company unless any such pledge or hypothecation shall have been expressly approved and authorized by the Commission.

12. That the Long Island Lighting Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days

from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended in reasonable detail of the proceeds of the securities herein authorized for the purpose specified herein and the account or accounts under the Uniform System of Accounts for Electrical and Gas Corporations to which such expenditures have been charged. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

13. That upon the acquisition of the property and assets of The Suffolk Light, Heat and Power Company, all of such property shall be entered upon the books of the Long Island Lighting Company at the values as of December 31, 1916, shown in the report of the Commission's divisions summarized in the final report of the division of capitalization dated October 23, 1917, except as the same may be modified by any subsequent duly authorized business transactions of the aforesaid corporation.

14. That within thirty days after the purchase herein authorized has been made, complete statements shall be filed with the Commission, duly verified by the respective secretaries or other executive officers, including (a) details of the changes in the accounts of The Suffolk Light, Heat and Power Company in so far as they record the changes in its property, assets, and liabilities from December 31, 1916, to the actual date of the transfer to the Long Island Lighting Company of the property of the first named company; (b) detailed balance sheet of The Suffolk Light, Heat and Power Company as of the date when the transfer of its property to the Long Island Lighting Company is recorded in its accounts; (c) particulars of the entries made upon the books of the Long Island Lighting Company reflecting the acquisition of the property herein authorized to be acquired; (d) detailed balance sheet of the Long Island Lighting Company as of such date.

15. That none of the expenses incurred by the Long Island Lighting Company in connection with this proceeding except those directly incurred on account of the actual issuance of the capital stock herein authorized shall be charged to fixed capital.

16. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

17. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5860]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARRETT,
Commissioners.

In the matter of the Petition of LONG ISLAND LIGHTING COMPANY under section 70 of the Public Service Commissions Law for authority to buy all of the outstanding capital stock and mortgage bonds of the North Shore Electric Light and Power Company; under subdivision 3, section 61, Transportation Corporations Law, and section 70, Public Service Commissions Law, for consent that then the first named company may merge with itself the second named company under section 15, Stock Corporation Law; and under section 69, Public Service Commissions Law, for authority to the Long Island Lighting Company to issue \$75,000 common capital stock, \$270,000 in first mortgage 5 per cent 25-year gold bonds, and to make a supplement to its mortgage.

Petition filed January 8, 1917; report of division of capitalization dated July 9, 1917; report of division of light, heat, and power dated August 24, 1917; final report of division of capitalization dated October 27, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated October 27, 1917, which on October 29, 1917, was sent to the petitioners herein, such entries being listed on pages 12 to 15 inclusive thereof, shall be entered upon the books of the North Shore Electric Light and Power Company prior to its merger into the said Long Island Lighting Company as hereinafter authorized, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Long Island Lighting Company is hereby authorized to purchase and acquire the entire outstanding common capital stock of the North Shore Electric Light and Power Company, consisting of 1800 shares each of the par value of \$25, aggregating a par value of \$45,000.

3. That the Long Island Lighting Company is hereby authorized to execute and deliver to the Bankers Trust Company, as successor trustee by merger to the Mercantile Trust Company, a corporation organized and existing under the laws of the State of New York, a third supplement to its deed of trust or mortgage dated March 1, 1911, securing an authorized issue of 5 per cent 25-year first mortgage gold bonds to the aggregate amount of \$6,000,000, a copy of which supplement is attached to the petition herein as exhibit 17, and that the form of such supplement is hereby approved.

4. That upon the execution and the delivery of said third supplement to such mortgage dated March 1, 1911, there shall be filed with this Commission a copy of the same in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the supplement as executed and delivered is the same as that herein approved by the Commission.

5. That the Long Island Lighting Company is hereby authorized to issue \$270,000 face value of its 5 per cent 25-year first mortgage gold bonds under the aforesaid mortgage and supplements thereto.

6. That the Long Island Lighting Company is hereby authorized to issue \$75,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least \$75,000, provided that the Long Island Lighting Company may at its option use all or part of \$45,000 par value of such stock for the purpose of effecting an even exchange for a like par amount of common capital stock of the North Shore Electric Light and Power Company.

7. That of the said bonds herein authorized, bonds of the total face value of \$139,700 or the proceeds thereof, or any part of such bonds or proceeds, shall be used solely and exclusively for the purpose of acquiring by even exchange or purchase a like face amount of 5 per cent 25-year first mortgage gold bonds of the North Shore Electric Light and Power Company.

8. That the balance of said bonds so authorized, viz. \$130,300 face value, may be sold for not less than 92 per cent of their face value and accrued interest to give net proceeds of at least \$119,876.

9. That said stock and bonds of the par and face value of \$345,000 so authorized, or the proceeds thereof to the amount of \$334,576, shall be used solely and exclusively for the following purposes:

(a) For the acquisition by purchase or exchange of the entire outstanding common capital stock of the North Shore Electric Light and Power Company as hereinbefore provided.....	\$45,000.00
(b) For the acquisition by purchase or exchange of 5% 25-year first mortgage gold bonds of the North Shore Electric Light and Power Company as hereinbefore provided.....	139,700.00
(c) For the discharge of current liabilities of the North Shore Electric Light and Power Company outstanding at September 30, 1916, as follows:	
Bills payable	\$74,719.00
Accounts payable	14,208.01
Other unfunded debt.....	266.70
	<hr/>
	89,194.31
(d) For extensions and improvements to the plant and system of said North Shore Electric Light and Power Company as detailed in schedule 10 of the petition herein.....	35,682.00
(e) For working capital.....	25,000.00
	<hr/>
	\$334,576.31
Amount unprovided for.....	\$0.81

in so far as the same may be applicable, provided (1) that such securities or the proceeds thereof shall be applied on such new construction summarized in subdivision (d) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Electrical and Gas Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds to be realized from the sale of such securities over the actual cost thereof shall be used for any purpose without the further order of this Commission; (4) that such working capital shall not be disbursed by such company for purposes properly chargeable to income but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.

10. That if the said securities of a total par and face value of \$345,000 herein authorized shall be sold or exchanged at such price as will enable the company to realize net proceeds of more than \$334,576.31, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

11. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Long Island Lighting Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

12. That the Long Island Lighting Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the dates of such sales or exchanges; (c) to or with whom such securities were sold or exchanged; (d) the amount face and par value of securities received in exchange; (e) what proceeds were realized from such sales; (f) any other terms and conditions of such transactions; (g) with respect to subdivision (c) of clause No. 9 of this order there shall be shown in detail the amount expended therefor during such period of the proceeds of the securities herein authorized; (h) with respect to subdivision (d) of clause No. 9 of this order there shall be shown (1) in detail the amount expended during such period of the proceeds of the securities herein authorized for each of the purposes specified in said schedule 10 of the petition, and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period; (i) with respect to subdivision (e) of clause No. 9 of this order there shall be shown the amount used therefor during such period of the proceeds of the securities herein authorized. In reporting under sections 2 and 3 of subdivision (h) of this clause there shall be further shown the expenditures of the proceeds of the securities herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended the report shall set forth such fact.

13. That this Commission hereby consents that the Long Island Lighting Company may merge into itself the North Shore Electric Light and Power Company, provided that there shall be stamped or inscribed upon each of the certificates of capital stock of such corporation a legend setting forth that said corporation has been merged by the Long Island Lighting Company as herein authorized and that satisfactory proof of such stamping or inscribing said stock certificates shall be submitted to this Commission.

14. That upon the merger of the North Shore Electric Light and Power Company with the Long Island Lighting Company all of the property of the former shall be entered upon the books of the Long Island Lighting Company at the values shown for such property as of December 31, 1916. in the reports of the Commission's divisions as summarized in the final report of the division of capitalization dated October 27, 1917, except as the same may be modified by any subsequent duly authorized business transactions of the aforesaid corporation occurring after December 31, 1916.

15. That within thirty days after the merger herein authorized shall have become effective, complete statements shall be filed with the Commission, duly verified by the respective secretaries or other executive officers, which shall show (a) the exact date of such merger; (b) details of the changes in the accounts of the North Shore Electric Light and Power Company in so far as they record the changes in its property, assets, and liabilities from December 31, 1916, to the actual date of the transfer of the property of that company to the Long Island Lighting Company; (c) detailed balance sheet of the North Shore Electric Light and Power Company as of the date

when the transfer of its property to the Long Island Lighting Company is recorded in its accounts; (d) particulars of the entries made upon the books of the Long Island Lighting Company reflecting the acquisition of the property herein authorized to be merged; (e) detailed balance sheet of the Long Island Lighting Company as of such date.

16. That the merged company, the Long Island Lighting Company, shall include among the entries recording the merger of the North Shore Electric Light and Power Company into itself an entry which shall accomplish the setting up of \$33,166.34 in the account "Suspense to be Amortized," and shall amortize same by charges to the account "Other Contractual Deductions from Income" in accordance with the following programme: for the calendar year 1917, \$3466.34; for each of the nine years 1918-1926, both inclusive, \$3300; provided that the said company may amortize the said sum more rapidly than herein provided by crediting the account "Suspense to be Amortized" and debiting the account "Corporate Surplus" with the excess so credited over the amount required herein.

17. That the requirements of clause No. 2 of the order dated August 8, 1916, in case No. 5562, regarding the amortization by the North Shore Electric Light and Power Company of a charge aggregating \$2000 to the account "Suspense to be Amortized" shall after the merger herein permitted remain in full force and effect and shall be assumed by the merged company, Long Island Lighting Company.

18. That none of the expenses incurred by the Long Island Lighting Company in connection with this proceeding, except those directly incurred on account of the actual issuance of the capital stock herein authorized, shall be charged to fixed capital.

19. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

20. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no securities shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such securities be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except as to the amount of \$35,083.01.

776 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5892]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of NIAGARA FALLS GAS AND ELECTRIC LIGHT COMPANY under section 69, Public Service Commissions Law, for authority to make a mortgage for \$800,000 and to issue now \$800,000 in bonds to be secured by said mortgage.

Petition filed February 6, 1917; supplemental petition filed March 29, 1917; form of proposed mortgage filed April 25, 1917; report of division of capitalization dated May 22, 1917; report of division of light, heat, and power dated July 10, 1917; revised form of proposed mortgage filed October 27, 1917; final report of division of capitalization dated November 3, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated November 3, 1917, which shall be served upon the corporation, such entries being listed on pages 16 to 19 inclusive, shall be entered upon the books of the Niagara Falls Gas and Electric Light Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Niagara Falls Gas and Electric Light Company is hereby authorized to execute and deliver to The Equitable Trust Company of New York as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, to secure an issue of first refunding mortgage thirty-year gold bonds to the aggregate amount of \$5,000,000 face value, bearing interest at the rate of 5 per cent per annum, payable semiannually, a copy of which indenture has been filed with the Commission herein, and that the form thereof so filed is hereby approved, provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein authorized by the Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

4. That the Niagara Falls Gas and Electric Light Company is hereby authorized to issue \$800,000 face value of its 5 per cent 20-year first refunding mortgage gold bonds under the aforesaid mortgage.

5. That said bonds of the total face value of \$800,000 may be sold for not less than 80 per cent of their face value and accrued interest to give net proceeds of at least \$640,000.

6. That said bonds of the face value of \$800,000 so authorized, or the proceeds thereof to the amount of \$640,000, shall be used solely and exclusively for the following purposes:

(a) For the discharge of the following obligations of the petitioner outstanding at December 31, 1916:

1. 5% 20-year first mortgage bonds due July 1, 1921	\$150,000
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2. 5% 30-year first consolidated mortgage bonds due July 1, 1933, and upon such discharge for the payment of a like amount of the floating debt for which these bonds have been pledged as collateral security.....

\$92,000
51,500

3. 5% 5-year third mortgage bonds due July 1, 1909

\$293,500

- (b) For extensions of and improvements to the plant and distributing system of the petitioner as detailed in affidavit of Peter D. Young attached to the application herein, as follows:

1. Construction of new gas plant..... \$186,000
2. Construction of approximately 25 miles of distribution mains 175,000
3. Services, meters, etc..... 31,500

392,500

\$686,000

Amount unprovided for..... \$46,000

in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized in subdivision (b) hereof only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Electrical and Gas Corporations adopted by this Commission; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purposes subject to the limitations herein contained a sum less than the amounts set opposite thereto, no portion of the proceeds realized from the sale of such bonds over the actual cost thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in the affidavit of said Peter D. Young attached to the petition herein are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform Systems of Accounts for Electrical and Gas Corporations.

7. That if the said bonds of a total face value of \$800,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$686,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Niagara Falls Gas and Electric Light Company unless any such pledge or hypothecation shall have been approved and authorized by this Commission.

9. That the Niagara Falls Gas and Electric Light Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause No. 6 of this order there shall be shown the amount expended during such period of the proceeds of the bonds herein authorized for each of the purposes specified therein; (g) with respect to subdivision (b) of clause No. 6 of this order there shall be shown (1) in

detail the amount expended during such period of the proceeds of the bonds herein authorized for each of the purposes specified therein and the account or accounts under the Uniform Systems of Accounts for Electrical and Gas Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (2) a summary of the expenditures for each of such purposes during the period covered by the report; (3) a summary by the prescribed accounts showing the expenditures during such period. In reporting under sections 1 and 2 of subdivision (g) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

10. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

11. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no bonds shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such bonds be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not properly chargeable to operating expenses or to income except to the amount of \$178,761.98.

[Case No. 5910]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of Practices of Carriers in the Application of Their Tariffs Relating to the Furnishing of Grain Doors and Bulkheads and the Reasonableness of the Maximum Allowance Made under such Tariffs when Lumber for Grain Doors or Bulkheads is Furnished by the Shipper.

**Amendatory
order.**

The carriers concerned having asked an extension of time for filing the tariffs directed to be filed in the order of the Commission of November 1, 1917, for the reason that their representatives are at present engaged before the Interstate Commerce Commission, it is

Ordered: That ordering clause No. 2 of said order of November 1st be amended to read as follows:

"2. That said tariffs shall be filed on or before November 24, 1917, and may become effective upon five days' notice to the Commission and the public."

Further Ordered: That within ten days after service of a copy of this order the respondents shall severally notify the Commission as to their acceptance of the order of November 1st as amended hereby.

[Case No. 6173]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the NORTHERN NEW YORK UTILITIES, INC., under sections 68 and 69, Public Service Commissions Law, as to additional construction; and for authority to issue \$29,400 in common capital stock, \$171,300 in preferred stock, and \$477,000 in bonds under an existing mortgage.

Amendatory
order.

Petition filed August 2, 1917; supplemental petition filed October 5, 1917; report of division of capitalization dated October 8, 1917; hearings held October 11 and 16, 1917; order entered October 17, 1917. Now therefore, upon the foregoing record,

Ordered: That clause No. 5 of the order herein dated October 17, 1917, is hereby modified and amended to read as follows:

"5. That in addition to the stock authorized to be issued under clause 2 of this order, the Northern New York Utilities, Inc., is authorized to issue up to \$381,600 par value of its 7 per cent cumulative preferred capital stock, which stock if issued shall be used solely and exclusively for the purpose of retiring by exchange at par at any time on or prior to their maturity, all or any part of the 2½ year 6 per cent notes hereinbefore authorized to be issued; provided that upon the exchange of said notes for stock the said notes shall be canceled and bonds which have been pledged as security for said notes (of the face value of said notes and 25 per cent in addition thereto) shall be returned to the treasury of the company and shall not again be issued without the consent of this Commission; provided further, that in the event that owing to the denomination authorized in the mortgage securing said bonds said 25 per cent additional shall require the return of a fraction of a bond, then in each such event the next even amount of bonds below such fractional amount shall be so returned, but the excess fractional amounts shall be retained by the trustee only until such fractional amounts shall equal the face value of one bond of \$500 denomination, when such bond shall be returned to the treasury of the company as hereinbefore provided."

780 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6186]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of PATRONS OF WESTERN SULLIVAN TELEGRAPH AND TELEPHONE COMPANY against said company as to unsatisfactory service due to the condition of said company's telephone lines.

This is a complaint that the telephone lines of the respondent situated in the town of Bethel, Sullivan county, are not in condition to give satisfactory service, and asks that the company be required to rehabilitate its plant. The answer practically admits the condition complained of, and states that the company has not at present the funds necessary for rehabilitation but hopes to do the proper work during 1918. The Commission is in receipt of a letter from one of the complainants who has heretofore represented them all in correspondence, stating that the complainants deem a hearing at this time unnecessary. It is therefore

Ordered: That the complaint be and the same hereby is closed upon the records of the Commission, with leave however to reopen at any time the complainants or any of them so request.

[Case No. 6188]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 8th day of November, 1917.

Present:

WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE NICKEL PLATE CONNECTING RAILROAD CORPORATION (a) under section 9, Railroad Law, and section 53, Public Service Commissions Law, as to construction and exercise of franchises; (b) under section 89, Railroad Law, as to its railroad crossing highways; (c) under section 98, Railroad Law, as to its railroad crossing other railroads.

Appearances: Kenefick, Cooke, Mitchell & Bass and Herbert D. Howe for The Nickel Plate Connecting Railroad Corporation; F. A. Hermans for State Commission of Highways. A petition having been filed with this Commission by The Nickel Plate Connecting Railroad Corporation (a) for a certificate that the provisions of section 9 of the Railroad Law have been complied with by said corporation, and that public convenience and a necessity require the construction of its railroad as proposed in its certificate of incorporation; (b) under section 53 of the Public Service Commissions Law for permission to begin construction of its railroad, and for approval of the exercise of its franchises and rights as a railroad corporation and certain franchises or rights to cross streets (hereinafter named) in the village of Blasdell formerly exercised by Wellsville and Buffalo Railroad Corporation; (c) under section 89 of the Railroad Law for a determination of how its

railroad shall cross highways; (d) under section 98 of the Railroad Law for a determination of whether its railroad shall cross steam railroads hereinafter named above, below, or at grade, and the proportion of expense of each crossing to be paid by each railroad; and a public hearing on said petition having been held by this Commission in the city of Albany on October 31, 1917, at which those named above appeared, and at which witnesses testified to the public convenience and necessity of the proposed railroad; and it appearing that the length of the proposed railroad is 4.015 miles, "the southerly terminus thereof being the point of connection with the present railroads of The New York, Chicago and St. Louis Railroad Company and The Pennsylvania Railroad Company at or near Hamburg siding, located immediately west of Camp road, in Hamburg township, Erie county, New York; the northerly terminus of such road being the point of connection with the present railroad of The South Buffalo Railway Company about eighteen hundred and eighty (1880) feet north of the south line of the City of Lackawanna, all in the county of Erie". And it appearing that the object of constructing this railroad is to afford better convenience for the interchange of freight cars between the New York, Chicago and St. Louis railroad, the Lehigh Valley railroad, the New York Central railroad, the South Buffalo railway, and the Pennsylvania railroad, relieving congestion on tracks in Buffalo and saving time. And it appearing that the petitioner proposes to use a portion of the South Buffalo railway in the city of Lackawanna for a connection with the Lehigh Valley railroad. And this Commission finding from the evidence that the provisions of section 9 of the Railroad Law have been complied with by said corporation, and that public convenience and a necessity require the construction of its proposed railroad; and that the construction of its railroad and the exercise of its franchises and rights as a railroad corporation as well as franchises or rights to cross streets in the incorporated village of Blasdell formerly exercised by the Wellsville and Buffalo Railroad Corporation are necessary and convenient for the public service; it is

Ordered: 1. That a certificate under section 9 of the Railroad Law shall be issued to The Nickel Plate Connecting Railroad Corporation to the effect that it has complied with the provisions of said section, and that public convenience and a necessity require the construction of its railroad as proposed in its certificate of incorporation.

2. That this Commission under section 53, Public Service Commissions Law, hereby permits and approves construction of the railroad of The Nickel Plate Connecting Railroad Corporation and the exercise by said corporation of its franchises and rights as a railroad corporation and certain franchises or rights to cross streets (hereinafter named) in the incorporated village of Blasdell formerly exercised by the Wellsville and Buffalo Railroad Corporation.

3. That this Commission under section 89 of the Railroad Law hereby determines that it is impracticable for the railroad of The Nickel Plate Connecting Railroad Corporation to cross otherwise than at grade the highways hereinafter named, except where a method of crossing otherwise than at grade is named, and in such cases this Commission hereby determines that such crossings shall be over the grade of the highway as hereinafter named, to wit: *Town of Hamburg:* (a) at the grade of the Camp Road highway, (b) over the grade of the Big Tree Road highway, (c) at the grade of the Bay View Road highway; *Village of Blasdell:* (d) over the grade of the Mile Strip Road highway, (e) over the grade of the Lake View Road highway. Protection of the said highway crossings permitted to be at grade will be determined by the Commission in the future. It is hereby provided, that if in the future the crossing at grade of this railroad and the said Camp Road highway, or the crossing at grade of this railroad and the said Bay View Road highway, in the town of Hamburg, are changed from grade, the entire cost of said change shall be borne by The Nickel Plate Connecting Railroad Corporation or its successor, and that within thirty days after the service of a copy of this order on said corporation there shall be filed with this Commission a statement signed by the president and secretary of said corporation accepting this provision as to payment of cost.

4. That this Commission under section 98 of the Railroad Law hereby determines that the railroad of The Nickel Plate Connecting Railroad Corporation (a) shall cross the railroad operated by the Pennsylvania Railroad Company in the town of Hamburg, Erie county, near the said Camp Road highway, at grade, and that the entire expense of such crossing (irrespective of the cost of protecting the crossing) shall be borne by The Nickel Plate Connecting Railroad Corporation; (b) shall cross the New York, Chicago and St. Louis railroad in the town of Hamburg, Erie county, near the said Camp Road highway, at grade, and that the entire expense of such crossing (irrespective of the cost of protecting the crossing) shall be borne by The Nickel Plate Connecting Railroad Corporation; (c) shall cross the railroad operated by The Pennsylvania Railroad Company, the New York, Chicago and St. Louis railroad, and the New York Central railroad at the Mile Strip Road highway, in the village of Blasdell, above the grade of said existing railroads, which are contiguous, and that the entire expense of such crossings shall be borne by The Nickel Plate Connecting Railroad Corporation; (d) shall cross the South Buffalo railway (switching track or tracks) in the city of Lackawanna, at a point not far from the south city line, at grade, and that the entire expense of such crossing (irrespective of the cost of protecting the crossing) shall be borne by The Nickel Plate Connecting Railroad Corporation. Under section 56 of the Railroad Law, trains and locomotives approaching said crossings when constructed must come to a full stop except under the circumstances set forth in section 56. If it shall be desired in the future that the full stop shall be discontinued, petition must be made to this Commission under section 56, and the matter of signal apparatus will then be determined.

Petitions to this Commission by The Nickel Plate Connecting Railroad Corporation, under section 53, Public Service Commissions Law, for permission to exercise rights which said corporation may acquire from the courts under sections 21 and 22 of the Railroad Law as to these crossings of highways and railroads, shall be made in the future.

Certificate

In the matter of the Petition of The Nickel Plate Connecting Railroad Corporation, for a certificate under section 9 of the Railroad Law. [Case No. 6188.]

The Public Service Commission, Second District, hereby certifies, under the provisions of section 9 of the Railroad Law, that the directors of The Nickel Plate Connecting Railroad Corporation have complied with the provisions of section 9 of the Railroad Law by causing a copy of the certificate of incorporation of said corporation to be published in *Buffalo Evening Times*, a newspaper published in the city of Buffalo, in the county of Erie, that being the county where said railroad is proposed to be located, at least once a week for three successive weeks, and have filed satisfactory proof thereof with this Commission; that this certificate was applied for by said The Nickel Plate Connecting Railroad Corporation within six months after the completion of said publication; that public convenience and a necessity require the construction of the railroad of the said The Nickel Plate Connecting Railroad Corporation as proposed in said certificate of incorporation.

By the Commission.

FRANCIS X. DISNEY,
Secretary.

[Case No. 6118]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaints of PRATTSBURG GRANGE
No. 112, SOUTH BRISTOL GRANGE No. 1107, RESIDENTS
NEAR CONESUS, UNITED COMMERCIAL TRAVELERS OF
ROCHESTER *against* ERIE RAILROAD COMPANY as to
discontinuance of certain passenger trains on the
Rochester division.

The above entitled proceeding having come on to be heard before Commissioner Barhite at the courthouse in the city of Rochester, New York, on the 4th day of August, 1917, at which time Mrs. Fannie C. Richards of Naples, N. Y., appeared as secretary for South Bristol Grange No. 1107; M. H. Linscott, esq., of Rochester, N. Y., appeared for the United Commercial Travelers; and T. H. Burgess, esq., assistant general solicitor of the respondent, appeared for said respondent; and testimony having been taken; and the proceeding having been adjourned to the 18th day of August, 1917, at the same place, at which time the complainants were represented by Frank H. Deal, esq., of Troy, N. Y., and others; and the respondent by M. B. Pierce, esq., as attorney, and others; and the respondent having scheduled train No. 462 to leave Rochester at 7 a. m. instead of 8:20 a. m., it is the opinion of this Commission that it will materially better the service and will be satisfactory to the complainants or a majority of them,

Ordered: That the case be and the same is hereby closed upon the books of the Commission.

[Case No. 6119]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of Complaints of RESIDENTS OF GOWANDA,
NORTH COLLINS, EDEN, HAMBURG, WATER VALLEY,
EDEN CENTER, BUFFALO, KENNEDY, JAMESTOWN, and
CHERRY CREEK *against* ERIE RAILROAD COMPANY as
to discontinuance of certain passenger trains on the
Buffalo and Southwestern branch.

The above entitled case having come on to be heard before Commissioner Barhite at the office of the Commission in the city of Buffalo, New York, on the 3rd day of August, 1917, at which time W. J. Sandroch, esq., and others appeared for the complainants; and T. H. Burgess, esq., assistant general solicitor, appeared for the respondent; and the hearing having been adjourned to August 17, 1917, at which time a further hearing was had; and the respondent having voluntarily, in accordance with the request of the Commission,

scheduled train 515 on its Buffalo and Southwestern division to leave Buffalo at 1:45 p. m. instead of 12 o'clock noon, and such change is satisfactory to the complainants, it is

Ordered: That this case be and the same is hereby closed upon the books of the Commission.

[Case No. 6125]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of Complaints of RESIDENTS OF DEANSBORO AND OTHER POINTS ON THE UTICA DIVISION against NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to discontinuance of trains Nos. 67 and 68 (mixed).

The above entitled matter having come on for hearing before Commissioner Barhite at the courthouse in the city of Utica on the 24th day of September, 1917, at which time the complainants appeared by C. B. Miller, esq., of Utica, N. Y., as their attorney; and the respondent by C. L. Andrus, esq., of New York city, as its attorney; and it appearing from the evidence that the respondent on or about the 24th day of June, 1917, discontinued on its Utica division trains Nos. 67 and 68 as specified on timetable No. 105 of the respondent, taking effect 12:01 a. m. December 3, 1916; and it appearing from the proofs to this Commission that said trains Nos. 67 and 68 are necessary for the public convenience and should be restored to service,

Ordered: That the respondent, New York, Ontario and Western Railway Company, be and it is hereby directed to restore the service on or before the 1st day of December, 1917, of trains furnishing passenger service to run on the Utica division of the respondent substantially on the schedules of trains Nos. 67 and 68 as specified on timetable No. 105 hereinbefore mentioned. such trains to continue in service daily until and including the 4th day of May, 1918.

Further Ordered: That the respondent, New York, Ontario and Western Railway Company, shall notify this Commission within ten days from the service upon it of a copy of this order whether the terms of this order are accepted and will be obeyed.

[Case No. 6160]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of OSCAR T. DAY, as
president of the Fulton Vegetable Growers Associa-
tion of the city of Fulton and vicinity, against THE
DELAWARE, LACKAWANNA AND WESTERN RAILROAD
COMPANY, asking for better freight train service for
lettuce.

This complaint was filed with the view of obtaining more expeditious
transportation of lettuce from the neighborhood of Fulton to New York.
All the traffic involved moved interstate, and the Commission was therefore
without any authority except to investigate under section 59 of the Public
Service Commissions Law. Such an investigation was made by the steam
railroad division of the Commission. As the complaint was as to service
and not as to rates, the Commission had no power under section 59 or other-
wise to present the matter to the Interstate Commerce Commission. Sug-
gestions have, however, been made to the interested parties as to methods
for securing more expeditious service next year. From lack of jurisdiction
to proceed further it is

Ordered: That the complaint be and the same hereby is dismissed.

[Case No. 6170]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint under sections 71 and
72, Public Service Commissions Law, of RESIDENTS
OF THE CITY OF NORWICH against NORWICH GAS AND
ELECTRIC COMPANY as to proposed service charge of
50 cents a month for gas and electricity used.

This is a complaint by certain citizens of the city of Norwich alleging
that tariffs filed by the respondent effective September 1, 1917, are unjust
and unreasonable, in that they impose a service charge for gas and electricity
each of 50 cents per month. There has been filed with the Commission a
stipulation signed by the mayor, five of the six aldermen, and a number of
citizens, including many of the signers of the complaint, whereby the
respondent agrees to cancel said tariff, and the citizens agree to accept
certain schedules of rates set forth in the stipulation during such period as
the present high prices shall prevail. Permission has been given by the
Commission to the respondent to make said proposed new rates effective at
once. It is therefore

Ordered: That the case be and the same is hereby closed on the records of
the Commission.

[Case No. 6215]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the CLYMER POWER CORPORATION under section 68 of the Public Service Commissions Law for permission to construct an electric plant in the town of Clymer, Chautauqua county; and for approval of a franchise received from the town.

A petition under section 68 of the Public Service Commissions Law having been filed with this Commission by the Clymer Power Corporation for permission to operate the electric light and power plant owned by it in the town of Clymer, Chautauqua county, New York, and to exercise the rights and privileges under the franchise granted to it by the said Town of Clymer on or about the 24th day of July, 1917; and public notice of the pendency of said petition having been published in the *Chautauqua News*, a newspaper published in the town and village of Sherman, in the county of Chautauqua and State of New York; and a public hearing on said petition, after due notice, having been held in Buffalo by Commissioner Barhite on the 19th day of October, 1917, at which time Freeman L. Morris, esq., of Sherman, New York, appeared as attorney for the petitioner, and S. C. Ton, esq., town clerk of the Town of Clymer, for said town; no one appearing in opposition thereto; and this Commission having determined from the papers after due hearing that such approval and exercise of franchise are necessary and convenient for the public service, it is

Ordered: That this Commission does hereby permit and approve of the operation by the Clymer Power Corporation of the electric light and power plant owned by it in the town of Clymer, Chautauqua county, New York, and does hereby permit and approve of the exercise by said power corporation of the rights and privileges heretofore granted to it by the Town of Clymer on the 24th day of July, 1917, except in so far as such permit or franchise granted by said town board of Clymer to said Clymer Power Corporation purports to grant to said corporation the exclusive right and privilege of constructing and maintaining poles and wires in the streets, highways, and public ways of said town of Clymer.

Further Ordered: That this order is not intended and shall not be considered to authorize any construction work in or upon any state or county highway unless or until consent to and approval of such construction shall have first been given by the State Commission of Highways.

[Case No. 6230]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of HENRY KAPPUS under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of White Plains, it being proposed that the route shall also be operated to the hamlet of Hartsdale.

Petition filed October 16, 1917; hearing held in White Plains on November 3, 1917; affidavit of publication of notice of application for certificate of convenience and necessity filed November 2, 1917. Appearances: Martin J. Birmingham for petitioner; Eugene F. McKinley for The Westchester Street Railroad Company; Louis R. Fisher, Valhalla, N. Y. The petitioner secured the consent of the common council of the City of White Plains on September 20, 1917, to operate a motor bus route upon and over the following streets in said city, viz: "Beginning at the easterly entrance to the New York Central Railroad station on Main street, and running thence easterly through Main street to Orawaupum street; thence southeasterly through Orawaupum street to Fisher avenue; thence westerly through Fisher avenue to Walworth avenue; thence through Walworth avenue to the city line and to the village of Hartsdale." There has been filed with the Commission a certificate of the mayor of White Plains to the effect that the petitioner has secured the necessary consent of the common council of the city to operate such motor bus route in the city. The petitioner now makes application to the Commission pursuant to the provisions of chapter 667 of the laws of 1915 for a certificate of convenience and necessity for the operation of the motor bus route as proposed. The Westchester Street Railroad Company operates its cars over that portion of the route of the petitioner on Main street between the New York Central depot and Orawaupum street, but this is only a short distance and there will not be any competition between the petitioner and the railroad company in this portion of the city. Except as herein mentioned, there are no transportation facilities in that portion of the city in which the petitioner proposes to operate, and the bus line of the petitioner will be an accommodation to the people living along its route. It appearing to the Commission that the application of the petitioner should be granted, it hereby certifies that public convenience and necessity require the operation of a motor bus line by Henry Kappus in the city of White Plains, N. Y., pursuant to consent given by the common council of the City of White Plains on September 20, 1917, in accordance with the terms and conditions therein set forth and over the following route, viz: "Beginning at the easterly entrance to the New York Central Railroad station on Main street, and running thence easterly through Main street to Orawaupum street; thence southeasterly through Orawaupum street to Fisher avenue; thence westerly through Fisher avenue to Walworth avenue; thence through Walworth avenue to the city line and to the village of Hartsdale." The approval of said franchise is not a determination, nor does it imply a determination, that the rates mentioned therein are just or reasonable or that they are not subject to change under the provisions of the Public Service Commissions Law or other laws of the State of New York. The rights obtained under this certificate shall not be assigned nor transferred without the consent of this Commission.

[Case No. 6238]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 13th day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of ELIZABETHTOWN AND ADIRONDACKS RAILROAD COMPANY, INC., for permission to operate its railroad and to exercise the rights and franchises acquired through the reorganization of the former Elizabethtown Terminal Railroad Company; and to issue its capital stock to the amount of \$150,000; and to issue its first mortgage upon its property and franchises in the sum of \$500,000; and for authority to issue its first mortgage bonds to be secured by said mortgage to the amount of \$225,000.

Petition filed October 24, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the consent of the Commission be and it is hereby given to the exercise by the Elizabethtown and Adirondacks Railroad Company, Inc., of all of the rights, privileges, and franchises of the former Elizabethtown Terminal Railroad Company acquired through the reorganization of the latter company, subject however to all the terms and conditions thereof.

2. That the Elizabethtown and Adirondacks Railroad Company, Inc., be and it is hereby authorized to operate the property of the former Elizabethtown Terminal Railroad Company so acquired through reorganization.

3. That the Elizabethtown and Adirondacks Railroad Company, Inc., be and it is hereby authorized to execute and deliver to the Glens Falls Trust Company of the city of Glens Falls, N. Y., as trustee, a New York corporation, a certain indenture, mortgage, or deed of trust upon all its property dated November 1, 1917, to secure an issue of first mortgage 30-year gold bonds aggregating \$500,000 at face value, bearing interest at the rate of 5 per cent per annum, payable semiannually on the first days of May and November in each year, a copy of which indenture has been filed with the Commission herein and in which certain corrections have been made, and that the form thereof so filed and corrected is approved; provide that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

4. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

5. That the Elizabethtown and Adirondacks Railroad Company, Inc., is hereby authorized to issue \$225,000 face value of its 5 per cent 30-year first mortgage gold bonds under the aforesaid mortgage.

6. That the Elizabethtown and Adirondacks Railroad Company, Inc., is hereby authorized to issue \$150,000 par value of its capital stock, \$100,000 of which shall be classified as 6 per cent non-cumulative preferred, and \$50,000 as common capital stock.

7. That \$75,000 par value of the 6 per cent non-cumulative preferred capital stock and \$50,000 par value of common capital stock herein authorized shall

be used solely and exclusively for the following purpose: For the acquisition of the steam railroad property and appurtenances and rights, privileges, and franchises formerly owned by the Elizabethtown Terminal Railroad Company which were sold at foreclosure on May 4, 1917.

8. That the balance of the 6 per cent non-cumulative preferred capital stock herein authorized, viz \$25,000, may be sold at a price not less than the par value thereof to give net proceeds of at least that amount.

9. That the said bonds of the total face value of \$225,000 may be sold for not less than 80 per cent of their face value and accrued interest to give net proceeds of at least \$180,000.

10. That said bonds and stock of the aggregate face value of \$250,000 so authorized, or the proceeds thereof to the amount of \$205,000, shall be used solely and exclusively for the following purposes: (a) for the purchase of equipment and for the necessary expenses incurred in rehabilitating and equipping the property so acquired, as detailed in exhibit B of the petition herein, \$177,212.50; (b) for expenses incurred in the reorganization of the property and for working capital, \$27,787.50: \$205,000.

11. That no expenditures from the proceeds of the securities herein authorized for services or expenses incident to the reorganization or sale at foreclosure of the Elizabethtown Terminal Railroad Company, or for the organization of the Elizabethtown and Adirondacks Railroad Company, Inc., shall be charged to cost of road and equipment until the details of such expenditures or proposed expenditures shall have been submitted to and approved by this Commission.

12. That the Elizabethtown and Adirondacks Railroad Company, Inc., shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold, delivered, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale, delivery, or disposition; (c) to whom such stock was sold or delivered; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount of such proceeds used during such period for the purposes specified in this order. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds used the report shall set forth such fact.

13. That the Elizabethtown and Adirondacks Railroad Company, Inc., shall charge to the prescribed accounts under the Classification of Investment in Road and Equipment for Steam Roads promulgated by the Interstate Commerce Commission and adopted by this Commission the actual cost to it of the property of the former Elizabethtown Terminal Railroad Company herein authorized to be acquired, which cost shall be \$125,000; and that the company shall within sixty days after the acquisition of such property file a detailed verified report showing the allocation to such prescribed accounts of this purchase price and the other expenses in the equipping and rehabilitating of the property, which allocation shall be subject to the approval of this Commission.

14. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the securities herein authorized and the money to be procured by the issue thereof are reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

790 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6239]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of ELISHA M. RACKETT ET AL. of Orient, Suffolk county, and vicinity against MONTAUK STEAMBOAT COMPANY, LTD., asking that a boat or boats continue to run until December 1st next.

As a result of a conference at the New York office of the Commission on November 2, 1917, at which the complainant and representatives of the steamboat company and Commission were present, Mr. Rackett stated that he did not wish to have this matter treated as a formal complaint. It also appeared that the Montauk Steamboat Company, Ltd., was giving as much service as the traffic required, and the representative of the steamboat company stated that this would undoubtedly be continued during the remainder of the month of November as in previous years. Under the circumstances, further action by the Commission seems unnecessary. It is therefore

Ordered: That this case be and the same hereby is closed upon the records of the Commission.

[Case No. 6251]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 13th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of THE LONG ISLAND RAILROAD COMPANY under section 54, Railroad Law (as amended by chapter 564, laws of 1915), for consent to the discontinuance of a freight and passenger station at Camp Upton, Suffolk county.

The Long Island Railroad Company having filed with this Commission a petition under section 54, Railroad Law (as amended by chapter 564, laws of 1915), for consent to the discontinuance of the present station of said company which serves Camp Upton, Suffolk county, and which is located at a point at the camp where New Middle Island road highway (Broadway) crosses the railroad, it being proposed that a new station in place thereof shall be located at a point where the Hay road highway crosses the railroad and which is about 10,900 feet west of the location of the present station; and the petition alleging that it is the desire of the Federal authorities that this change in location be made, as among other reasons a re-mount station is being constructed at the present location; and it appearing from the petition and map filed that the location will serve the convenience of those using the station as well as the present location; it is

Ordered: That this Commission, under section 54, Railroad Law (amended by chapter 564, laws of 1915), hereby consents to the discontinuance of the station of The Long Island Railroad Company which serves Camp Upton, Suffolk county, at its said present location, on condition that a new station in place thereof shall be located at a point where the Hay road highway crosses the railroad, which point is 10,900 feet west of the location of the present station; and on condition that the present station shall be continued until a station building at the new location is erected and ready for use.

[Case No. 2989]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ENDICOTT-UNION GAS COMPANY for authority to issue \$25,000 common capital stock, a mortgage, and bonds to the amount of \$110,000 to be secured by said mortgage.

Annuling
order.

Under date of July 29, 1912, this Commission authorized the Endicott-Union Gas Company to issue \$25,000 of its common capital stock at par, and \$75,000 of its first mortgage 5 per cent bonds to be sold at not less than 85 per cent of their face value, and to use the proceeds of such securities for the construction and equipment of a gas plant. From advice received from persons interested in this development, it appears that the company has been inactive since it received the authorization asked for, and that it did not proceed either with the sale of its securities or the construction of its property. The Commission is in receipt of recent advice that the plan for developing this property has been practically abandoned. Now therefore, upon the foregoing record, it is

Ordered: That the order of this Commission entered in this case under date of July 29, 1912, authorizing the Endicott-Union Gas Company to issue its stock and bonds, and to use the proceeds realized from the sale of such securities for the construction and equipment of its gas plant, be and the same is hereby revoked, canceled, and annulled.

792 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5438]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ERIE RAILROAD COMPANY under section 91 of the Railroad Law for the closing and discontinuance of two highway grade crossings of its railroad in the town of Canisteo, Steuben county, the travel thereon to be diverted therefrom to an existing overgrade crossing of the railroad.

Upon the recommendation of the Erie Railroad Company as indicated by the signature of its engineer of bridges and buildings upon two plans showing changes in the masonry and superstructure of an overgrade crossing necessary to carry out the Commission's order in the above entitled matter; and upon the approval of the Town of Canisteo as indicated by a letter from the supervisor dated November 1, 1917, it is

Ordered: That said plans be and are hereby approved.

[Case No. 6162]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 15th day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of JOHN J. DILLON, as Commissioner of the State Department of Foods and Markets, against AMERICAN EXPRESS COMPANY, ADAMS EXPRESS COMPANY, NATIONAL EXPRESS COMPANY, WELLS FARGO AND COMPANY EXPRESS, and CANADIAN EXPRESS COMPANY, as to regulation in regard to claims for eggs broken.

This is a complaint by John J. Dillon, as Commissioner of the State Department of Foods and Markets, against American Express Company, Adams Express Company, National Express Company, Wells Fargo and Company Express, and Canadian Express Company as to regulation in regard to claims for eggs broken which on May 18, 1917, was filed with this Commission on behalf of the above named respondents as tariff schedule P. S. C., 2 N. Y., No. 105, which became effective on the 1st day of July, 1917. The tariff in question contains the general rules and ratings governing the transportation of merchandise by express. As to market eggs, it provides for the application generally of the so called "2nd Class" rates from points of shipment to those of destination, and includes the following rules and regulations:

Duck eggs must be charged for at actual weight.

Eggs, other than duck, when in cases, estimate the weight at 58 pounds per case of 30 dozen, and 65 pounds per case of 36 dozen.

When in cases, or packages containing other than 30 dozen or 36 dozen, the charge will be based on the actual gross weight of the shipment.

Shippers must mark cases to denote the number of dozen therein.

Eggs in "Standard" cases or carriers which are too frail to stand transportation, or in orange, lemon, shoe, or other miscellaneous boxes, will not be accepted.

"Standard" egg cases or carriers (sometimes termed "gift" cases) must be made of hard wood of not less than the following dimensions:

Sides, top, and bottom, three-sixteenths of an inch in thickness; ends and center partitions, seven-sixteenths of an inch in thickness; and end cleats, one and one-half by seven-sixteenths of an inch in thickness.

Second-hand "standard" or "gift" cases or carriers (cases or carriers which have already been used in the transportation of eggs, and are re-used) must be strapped with iron, wire, or wooden straps on the sides and bottom at each end.

All trays and dividing boards must be of hard calendar strawboard, weighing not less than 3 pounds to the set, and of sufficient size to fill the compartments to prevent shifting; the bottom dividing boards must be placed next to the eggs, and on top of a cushion of excelsior, cork, shavings, cut straw, or corrugated strawboard cushion; the top dividing boards to be placed next to the eggs, and covered with sufficient excelsior, cork, shavings, cut straw, or corrugated cushion to hold the contents firm in place.

Cases or carriers, whether new or second-hand, containing second-hand fillers, will not be accepted, except that pulpboard moulded fillers may be used as often as same are in proper condition.

Eggs in Pulpboard Cushion Carton Fillers packed in standard egg cases will be accepted for shipment at the same rates and estimated weight as when packed with ordinary fillers.

Claims for broken eggs will not be considered or paid by the Express Company where the number of broken eggs in any case or crate is not in excess of five per cent of the contents of each such case or crate.

Where the quantity of broken eggs in any case or crate exceeds five per cent of the contents thereof, claims will be considered or adjusted by the Express Company only on such number of the broken eggs in each case or crate which is in excess of five per cent of the total number of eggs in each such case or crate.

With the exception of the fifth paragraph, the regulations above cited which are not *italics* are the same as those in effect prior to July 1, 1917. The fifth paragraph prior to that date read:

Eggs packed in orange, lemon, shoe, or other miscellaneous boxes or in "standard" cases or carriers which are too frail to stand transportation will not be accepted.

The foregoing regulations which are *italics* were first established by the express companies July 1, 1917, and are the regulations complained of not only by complainant named in this case but by a great number of egg producers or shippers throughout this State. Respondents have, without exception, denied the authority of this Commission under the statute in matters of loss or damage, and allege that the rules complained of are rules for the settlement of claims for damage, and as such need not be promulgated in their classification or other governing schedules. The testimony at the hearings had bearing almost entirely on shipments into New York city, for the reason that the complainant's headquarters are in that city and most of the witnesses in complainant's behalf are engaged in business there or ship to that point.

Respondents, Adams Express Company and Wells Fargo and Company Express, in their answers to the complaint allege that all shipments of eggs received for transportation to or from New York city over their lines are interstate shipments governed and controlled by interstate commerce law and not by the laws of the State of New York. This, however, is not true of all shipments which may be received for transportation to or from New York city by the Adams Express Company, as this company operates over the lines of the Long Island and New York, New Haven and Hartford railroads, and since this complaint is against a regulation applied in connection with eggs transported by express carriers between any two points in this State over route wholly within New York state, and all express companies named herein operate to a greater or less extent over routes in this State other than those to or from New York city, the said Adams Express Company and Wells Fargo and Company Express are properly parties to this case. Respondents' only witness, the traffic manager of the American Express Company, testified that the crates now known as "standard" crates were originally manufactured for refrigerator carload shipments, but have found

their way into use for less carload traffic for the reason that they filled a commercial necessity as it was a "gift crate" and not to be returned, and for the additional reason that owing to its lower weight there was an advantage in transportation rates of about 13 per cent. Testimony was also introduced by carriers to show that because of this commercial necessity for saving in the transportation these cases or crates which are not sufficiently strong to stand ordinary handling at times when the business is running heavily are accepted, and it is expected through operation of the rules complained of to create a condition whereby the shipper is in effect a co-insurer with the express carrier. Just how the New York State shipper can benefit to any great degree by saving 13 per cent of the cost of transportation and losing the value of $1\frac{1}{2}$ dozen eggs if broken in a case of thirty dozen is not evident, since the highest rate on eggs from any New York state point to New York city is \$1.28 per 100 pounds, or 77 cents on a crate containing thirty dozen eggs.

Considerable emphasis was laid by respondents upon results of investigations conducted by the United States Department of Agriculture as to "The Effect of the Present Method of Handling Eggs on the Industry and the Product" and "The Egg and Poultry Demonstration Car Work in Reducing our \$50,000,000 Waste in Eggs"; but it was admitted that these reports had to with shipments transported in freight service; therefore it does not appear that the reports in these matters should be given great weight in the determination of the matter herein questioned. It may however not be out of place here to quote from report last above named that—

According to this investigation, on an average of 24 eggs out of every 30 dozen packed in a case arrived at market either cracked, dented, leaky, or mashed. These figures represent the detailed examination of 6000 dozen eggs before and after shipment, and the results of a general study of the condition of 71 carloads of over 500,000 dozen eggs shipped in car lots from 36 packing houses in the corn belt to 10 different markets on the Atlantic coast. They mean that New York city alone has a breakage of at least 116,000,000 eggs annually. The study was also extended to the question of whether the egg breakage was due principally to the jarring received in railroad cars or to carelessness on the part of the packers. Over 200 cases, or 6000 dozen eggs, were separately examined at the packing house and the place of each egg in the case charted. As a result of this examination it was found that over 19 eggs to a case, or 5.34 per cent, were broken or had cracked shells before the eggs were loaded in the car. Between the casing of the eggs in the packing house and their delivery to the city merchant there was an additional breakage of over 5 eggs per case.

The evidence before the Commission shows that there is a difference recognized by the egg trade between broken eggs or "leakers" and those which are checked or cracked but are not "leakers," such checked or cracked eggs usually being discoverable only by the process of candling or clicking. Checked or cracked eggs do not as a rule affect the commercial value of a shipment which as to those handled by express companies are generally those of smaller lots and consists of the highest priced eggs in the market. It was also maintained by complainant's witnesses that there is no inherent tendency of eggs to damage in transportation and that were such the fact it would be a matter recognized by the trade and taken care of in the price of the product. Complainant alleges that the rulings of the express companies herein complained of encourage the carriers' employees to be careless in their handling of egg shipments and in pilfering from the cases to an extent not exceeding 5 per cent. Respondents placed particular stress on the fact that the rules complained of apply only to claims for broken eggs, and that any claim agent applying the rule in connection with claims for eggs abstracted from cases had misconstrued the rule; and further, that there is nothing in these rules that would interfere with the prosecution of claims relating to stained or damaged or stolen eggs. It was also claimed that express carriers' employees are without knowledge as to the number of eggs contained in a case, but the Official Express Classification, as one of the conditions precedent to the acceptance of market eggs, provides that "Shippers must mark cases to denote the number of dozen therein". Rule 2(e) of the Official Express Classification provides that—

... packages containing fragile articles . . . must be packed so as to insure safe transportation by express with ordinary care; if not so packed and plainly marked as to indicate the nature of the contents, the company shall not be liable for damage to such shipments except when proved to be negligent. . . .

Section 28 of the Public Service Commissions Law requires every common carrier (and this as defined in section 9 includes express companies operated wholly or in part upon railroads) to file with the Commission having jurisdiction its schedules of rates and charges for the transportation of property, and further provides that the schedules printed as aforesaid shall also state —

... any rules or regulations which may in anywise change, affect, or determine any part or the aggregate of, such aforesaid rates, fares and charges, or the value of the service rendered to the passenger, shipper or consignee.

Section 49, paragraph 2, provides that —

Whenever the Commission shall be of opinion, after a hearing, had upon its own motion or upon complaint, that the regulations, practices . . . or service of any such common carrier . . . in respect to the transportation of . . . property within the state are unjust, unreasonable, unsafe, improper or inadequate, the Commission shall determine the just, reasonable, safe, adequate and proper regulations, practices . . . and service thereafter to be in force, to be observed, and to be used in such transportation of . . . property and so fix and prescribe the same by order to be served upon every common carrier . . . to be bound thereby; and thereafter it shall be the duty of every common carrier . . . to observe and obey each and every requirement of every such order so served upon it, and to do everything necessary or proper in order to secure absolute compliance with and observance of every such order by all its officers, agents and employees.

While the statute gives this Commission no supervision of loss and damage claims, it appears that regulations in any way affecting the value of the services rendered to the public by common carriers are properly a subject of regulation by the Commission; and further, that they are required by the statute to be published in the carriers' tariffs as on file here. Section 38 of the Public Service Commissions Law provides —

Every common carrier . . . shall, upon demand, issue either a receipt or bill of lading for all property delivered to it for transportation. No contract, stipulation or clause in any receipt or bill of lading shall exempt or be held to exempt any common carrier . . . from any liability for loss, damage or injury caused by it to property from the time of its delivery for transportation until the same shall have been received at its destination and a reasonable time shall have elapsed after notice to consignee of such arrival to permit of the removal of such property. . . .

From the above it appears quite clear that for all damage caused by a carrier it is to be held responsible. If no contract or clause may be placed in any receipt or bill of lading to exempt a common carrier from liability for damage, it is evident no such clause may be placed in any other tariff schedule, such as the classification, which by the terms of the uniform express receipt now in use is made a governing schedule and by reference a part of such receipt. From the evidence in this case it does not appear that the express companies should continue in effect the rules which are complained of, but should by appropriate tariff action eliminate the rules complained of from the classification. It is therefore

Ordered: 1. That the regulations here complained of governing the manner in which damage claims for broken eggs will hereafter be considered and paid by the respondents in this proceeding, having been determined by the Commission to be unreasonable regulations which should not be embodied in the tariff schedule of these respondents on file with the Commission, the said respondents be and the same are hereby directed within ten days from the date of this order to withdraw the said schedule containing the aforesaid objectionable restrictions, and file in its place another schedule from which these provisions shall be omitted.

2. That this case be and the same hereby is closed upon the records of the Commission.

796 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6246]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 15th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
JAMES O. CARR,
JOHN A. BARHITE,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the ERIE RAILROAD COMPANY under section 55, Public Service Commissions Law, for authority to issue \$15,000,000 6 per cent Series A bonds under its refunding and improvement mortgage dated December 1, 1916.

Petition filed October 31, 1917; report of division of capitalization dated November 12, 1917; affidavits (2) filed November 15, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Erie Railroad Company is hereby authorized to issue \$15,000,000 face value of its 6 per cent 20-year series A refunding and improvement mortgage bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of December, 1916, given to the Bankers Trust Company as trustee, to secure an authorized issue of bonds of a total face value of \$500,000,000.

2. That said bonds of the total face value of \$15,000,000 may be sold for not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$13,500,000.

3. That said bonds of the face value of \$15,000,000 so authorized, or the proceeds thereof to the amount of \$13,500,000, shall be used solely and exclusively for the reimbursement of the treasury of the petitioner for moneys actually expended for the acquisition of fixed assets within five years prior to the filing of the petition herein, and which were not obtained from the issue of stocks, bonds, notes, or other evidence of indebtedness of such corporation.

4. That the Erie Railroad Company is hereby authorized to forthwith pledge \$8,750,000 in amount of the bonds herein authorized to be issued as collateral security for the payment of a short term loan aggregating \$5,000,000 principal amount; and is authorized without further application to this Commission to pledge the remaining \$6,250,000 in amount of said bonds as collateral security for the payment of other and additional loans, upon the basis of not more than \$175 in amount of bonds for each \$100 in amount of loan. Provided, nevertheless, that any such additional loan as to its rate of interest, net return to the borrower, period of duration, and otherwise shall be made upon terms not less advantageous to the company than shall result from the above mentioned loan of \$5,000,000. It being the intent hereof that no loan upon less advantageous terms to the petitioner than of the said \$5,000,000 loan shall be made and consummated herein unless the approval and permission of this Commission shall have been first and expressly given and granted.

5. That the Erie Railroad Company shall make verified reports to the Commission covering each pledging of bonds which it shall make under the authority of this order within twenty-four hours after such pledging shall have been made, which reports shall show the amount of the loan or loans, the rate of interest thereupon, and the amount of bonds pledged as collateral security therefor. Any additional information in regard to said loans or any of them, which thereafter may be required by this Commission shall upon its request therefor be promptly supplied by the corporation.

6. That the proceeds of the loans to secure which bonds herein authorized may be pledged as collateral security shall be used solely and exclusively for the purpose for which the bonds or their proceeds are herein authorized to be used.

7. That the Erie Railroad Company shall for each six months' period following the date of this order file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of or pledged during such period in accordance with the authority contained herein; (b) the date of such sale or pledging; (c) to or with whom such bonds were sold or pledged; (d) what proceeds were realized from such sales or pledgings; (e) the principal of each loan for which such bonds are pledged; (f) the total face value of bonds which remain pledged as collateral security for said loans on the closing date of such period; (g) any other terms and conditions of such transactions; (h) the amount used during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds used in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds used the report shall set forth such fact.

8. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the petitioner herein shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary shall have been made, accepted by the corporation, and entered in its accounts to the satisfaction of the Commission.

9. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated, that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

798 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2485]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STATE COMMISSION OF HIGHWAYS under section 91 of the Railroad Law as to the elimination of a grade crossing on county highway No. 573, in the county of Monroe, New York.

Ordered: 1. That an accounting entered into by The New York Central Railroad Company with the State Commission of Highways, showing expenditures to the amount of \$53,166.46 (including interest to August 15, 1917), properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$48,611.38 has been expended by the railroad company, and the sum of \$4554.08 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its attorney, and by the State Commission of Highways as indicated by the signature of the State Commissioner of Highways.

2. That of the total amount of \$53,165.46 thus expended and herein accounted for, the share of and the amount chargeable to The New York Central Railroad Company is the sum of \$26,582.73; the share of the County of Monroe is the sum of \$13,291.36; and the share of the State of New York is the sum of \$13,291.37, upon which it is entitled to a credit of \$4554.08 expended by it as aforesaid, leaving as a balance now due and payable by the State of New York to The New York Central Railroad Company from funds appropriated for the improvement of highways the sum of \$8737.29.

[Case No. 5716]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the NORTHWESTERN TELEPHONE AND TELEGRAPH COMPANY for authority to sell \$3000 of its first mortgage bonds.

Petition filed September 28, 1916; reports of division of telegraphs and telephones dated April 5 and September 6, 1917; report of division of capitalization dated November 17, 1917. Now therefore, upon the foregoing record,

Ordered: That this case is hereby closed upon the records of the Commission.

[Case No. 5819]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint under section 27, Public Service Commissions Law, of BENFORD MANUFACTURING COMPANY *against* THE NEW YORK, NEW HAVEN AND HARTFORD RAILROAD COMPANY, asking for a sidetrack and switch connection for complainant's plant in the city of Mount Vernon, located about 150 to 200 feet from the New York City line.

On the 1st day of February, 1917, this Commission, after a hearing at which both parties were represented, made an order directing the respondent to establish, under certain conditions, sidetrack facilities for the petitioner at its place of business in the city of Mount Vernon. Subsequently a further order was entered, suspending all proceedings under the first mentioned order pending consideration by the Commission of certain additional evidence and arguments which the respondent requested permission to lay before the Commission before the case should finally be disposed of. It was explained by the respondent that this evidence had not been offered at the first hearing because of a misunderstanding between the legal and operating departments of respondent over the question which of these departments was to take charge of the hearing in the case. Thereafter the case was set for a rehearing which was held, and at which a considerable volume of important additional evidence was introduced on behalf of respondent. The rehearing closed with a suggestion, to which both parties agreed, that before any further order should be made in the matter there should be a renewed effort by petitioner and respondent to adjust their differences in a way that would be mutually satisfactory and fair to both parties. Since then the Commission has refrained from disposing of the case upon its records, in the hope that a satisfactory adjustment would be reached. Very recently, however, it has been advised by both parties that the negotiations between the parties have completely failed of any satisfactory result and that the matter would have to be disposed of by the Commission in a formal manner. Accordingly the Commission has given very careful consideration to the additional evidence and arguments presented on behalf of the respondent at the rehearing in the case, and it has reached the conclusion that its original decision in the matter, while amply justified by the evidence presented at the first hearing in the case, should not in the light of additional facts brought out at the rehearing in reference to the operating difficulties which would arise if another sidetrack were established at this point, be allowed to stand. While we think that the petitioner is amply entitled to sidetrack facilities, so far as the size of his business is concerned, we are satisfied that to establish these facilities where they are now asked for would seriously interfere with the movement of trains on the New Haven railroad, and that it should not on this account be insisted on at this time. Accordingly, it is hereby

Ordered: That the order of this Commission bearing date February 1, 1917, in the above entitled proceeding, be and the same hereby is in all respects vacated and annulled, and that the case be closed upon the records of the Commission.

800 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 5949]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the INTERNATIONAL RAILWAY COMPANY under section 55, Public Service Commissions Law, for authority to issue \$1,458,717 in 5 per cent bonds under its refunding and improvement mortgage, and to use \$102,000 of said bonds authorized last year.

Supplemental
order.

Petition filed March 31, 1917; report of division of steam railroads dated April 6, 1917; report of division of capitalization dated April 9, 1917; hearing held April 23, 1917; order entered April 24, 1917; supplemental petition filed July 28, 1917; report of division of capitalization dated July 31, 1917; amendatory order entered July 31, 1917; second supplemental petition filed October 24, 1917; report of division of steam railroads dated November 15, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the International Railway Company is hereby authorized to issue \$450,100 face value of its 5 per cent 50-year refunding and improvement mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated November 1, 1912, given to the Bankers Trust Company as trustee, to secure an authorized issue of bonds of a total face value of \$60,000,000.

2. That said bonds of the total face value of \$450,100 may be sold for not less than 85 per cent of their face value and accrued interest to give net proceeds of at least \$382,585.

3. That said bonds of the total face value of \$450,100 so authorized, or the proceeds thereof to the amount of \$382,585, shall be used solely and exclusively for the following purpose: For estimated expenditures for additions and betterments during the calendar year 1917, as detailed in schedule A attached to the second supplemental petition herein, \$1,985,814.11, less amount provided for by order herein dated April 24, 1917, \$1,535,717.83: \$450,096.28; amount unprovided for \$67,511.28; or, in the event of any necessary change or changes in the present plans of the petitioner, for other expenditures for additions and betterments to road and [or] equipment which are properly chargeable to fixed capital, or for reimbursement of the petitioner's treasury for such expenditures from sources other than the issue or sale of capital securities until April 1, 1918; in so far as the same may be applicable, provided (a) that such bonds or the proceeds thereof shall be applied on the construction described above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform System of Accounts for Street Railroad Corporations adopted by this Commission; (b) that there shall be no charges to fixed capital on account of services or engineering in connection with such construction or other improvements to the fixed capital of the petitioner except in so far as the same shall not be performed by the regular officers and employees of the company, or by such officers and employees who have been especially assigned to such construction or improvement work.

4. That if the said bonds of a total face value of \$450,100 herein authorized shall be sold at such price as will enable the company to realize net

proceeds of more than \$450,096.28, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the International Railway Company unless any such hypothecation or pledge shall have been expressly approved and authorized by this Commission.

6. That the International Railway Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the bonds herein authorized for the purposes specified herein and the account or accounts under the Uniform System of Accounts for Street Railroad Corporations to which the expenditures for such purposes have been charged, together with all credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for such purposes during the period covered by the report; (h) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended or used the report shall set forth such fact.

7. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the property of the petitioner herein shall have been concluded and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary shall have been made in the exhibits in this case and [or] in the accounts of the petitioner to the satisfaction of the Commission.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

802 PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

[Case No. 6083]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 20th day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of HORNELL TRACTION
COMPANY under subdivision 1, section 49 of the Pub-
lic Service Commissions Law for permission to
increase passenger fares.

Petition filed June 25, 1917; hearing held at the office of the Commission in the city of Albany on August 27, 1917. Appearances: Milo M. Acker, by Henry Adsit Bull, for the petitioner; no one in opposition. This is an application of the Hornell Traction Company for permission to increase its rate of fare from five cents to six cents within the limits of incorporated cities and villages. The petitioner was incorporated in 1909, and is a consolidation of three companies, viz: The Hornellsville Electric Railway Company, the Hornellsville and Canisteo Railway Company, and The Canisteo Valley Electric Railway Company, all of which were incorporated between December, 1891, and May, 1892. These companies were formed to build street railroads in the village of Hornellsville, from Hornellsville to Canisteo, and in the village of Canisteo respectively, and the roads were built in 1892. In 1897 the roads experienced some financial difficulty and were reorganized. At that time there were outstanding bonds of the different companies amounting to \$140,000, and a floating debt covering taxes, paving assessments, interest on bonds, etc., which exceeded \$40,000. After this reorganization, the bonds outstanding amounted to \$112,000 and the stock to \$120,000. Since that time additional bonds of the par value of \$38,000 have been issued to cover fixed capital expenditures, and there are now outstanding \$150,000 of bonds bearing interest at the rate of 4 per cent per annum and the amount of stock above mentioned. Dividends at the rate of 4 per cent per annum were paid on the stock in the years 1911, 1912, and 1913, and 2 per cent in 1914. The company defaulted in the payment of interest on its bonds July 1, 1917. The petitioner owns and operates 10.98 miles of track in and between the city of Hornell and the village of Canisteo.

The consolidation of the three companies into the Hornell Traction Company was approved by this Commission on October 19, 1910. The petition which was filed with the Commission on September 16, 1910, asking for an order approving the consolidation, stated that the cost of construction of these roads was \$272,643.50. The following tabulations show the income account of the corporation for the years ending June 30, 1910, to 1916 inclusive, and also the balance sheets of the company for the same years. These figures are taken from the reports on file with the Commission.

INCOME ACCOUNT

	Years ended June 30						12 months ended Dec. 31
	1910	1911	1912	1913	1914	1915	1916
Operating revenues.....	Dollars 82,049	Dollars 51,567	Dollars 55,065	Dollars 60,482	Dollars 58,376	Dollars 54,607	Dollars 54,458
Operating expenses.....	24,980	34,855	33,375	43,579	45,981	50,566	* 44,431
Taxes.....	7,060	16,712	22,690	16,903	12,395	8,218	10,027
	1,503	2,760	2,692	2,504	2,739	2,871	3,089
Income from operations.....	5,508	13,922	19,998	14,999	9,686	5,347	6,939
Interest on bonds.....	4,500	6,000	6,000	6,000	6,000	6,000	6,000
Other interest deductions.....					326	197	1,600
Net corporate income..	1,068	7,922	13,998	8,999	3,329	-783	-561

* Lower operating expenses for year 1916 due to decreased expenditures for maintenance of way and structures.
Difference in totals due to elimination of cents.

BALANCE SHEET

	Year ended June 30						1916
	1910	1911	1912	1913	1914	1915	
Assets:							
Cash.....	Dollars 757	Dollars 530	Dollars 2,586	Dollars 2,226	Dollars 10,069	Dollars 10,407	Dollars 1,934
Materials and supplies.....	1,070	1,184	954			2,286	7,552
Miscellaneous current assets.....						234,165	2,286
Fixed capital December 31, 1908.....	271,216	271,216	271,215	271,215	234,165	234,165	262,957
Fixed capital installed since December 31, 1908.....	7,528	10,769	11,458	15,843	40,891	43,678	
Miscellaneous temporary debits.....					1,188	1,280	
Miscellaneous investments.....							500
Prepayments.....							938
Liabilities:							
Unfunded debt.....	280,570	283,698	285,215	289,283	286,312	289,477	304,233
Mortgage bonds.....	9,513	9,427	980	2,040	2,643	6,441	
Capital stock.....	180,000	180,000	180,000	180,000	147,800	150,000	150,000
Surplus.....	120,000	120,000	120,000	120,000	117,900	117,900	120,000
Account amortization of capital.....	1,067	4,271	13,561	17,244	16,054	12,684	7,246
Other reserves.....			1,694		2,410	2,452	362
Current liabilities.....							26,536
	280,570	283,698	285,215	289,283	286,312	289,477	304,233

Difference in totals due to elimination of cents.

The only witness for the petitioner was Robert W. Bull, the electrical engineer and general manager of the corporation. He testified that in his opinion the cost of reproducing the property new would be approximately \$289,000, and that the depreciated value of the road and equipment was approximately \$200,000. The book value of the road and equipment as of December 31, 1916, was \$293,571. This does not take into consideration any other assets of the corporation such as materials and supplies, prepaid accounts, cash on hand, etc. The reproduction value above stated was based on the cost of labor and materials which prevailed in 1915. It is estimated that an increase in the rate of fare from five to six cents will produce additional revenue of approximately \$10,000, but that the increased cost of power due to the increase in cost of coal, increased wages, and other expenses will largely absorb it. Mr. Bull stated that the company ought to spend about \$27,000 a year for the next three years to put the property into first-class operating condition, but that the present revenue of the company is insufficient to make the necessary repairs to road and equipment. The earnings of the company during recent years have not been sufficient to enable it to set aside any reserve for depreciation. Since the formation of the petitioner it has spent considerable sums for additions and improvements, paving, etc. It is a well known fact that the petitioner is operating a street surface railroad in and from the city of Hornell to and in the village of Canisteo and that this service is required for the convenience of the public. The reports of the company clearly indicate that it is not earning a sufficient amount to enable it to keep up its road and equipment, set up a reserve for depreciation, and provide a reasonable return upon the value of the property employed in the public service, and for a surplus and contingencies. Upon the record in this case, the petitioner should be permitted to increase its rate of fare in the city of Hornell and in the village of Canisteo from five to six cents. It is therefore

Ordered: That the Hornell Traction Company be and it hereby is authorized to increase its rate of fare within the limits of the city of Hornell and the village of Canisteo from five to six cents, upon five days' notice to the Public and the Commission, the tariff effecting such increase to be filed in accordance with the provisions of section 28 of the Public Service Commissions Law and to bear the following notation: "Issued on five days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date November 20, 1917, in case No. 6083." This determination and order may be reopened at any time if and when it may appear to the Commission that the controlling reasons for allowing an increase of fares in excess of those which otherwise would legally obtain no longer exist.

[Case No. 6084]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of HUDSON RIVER AND EASTERN TRACTION COMPANY under section 49 of the Public Service Commissions Law for permission to increase passenger fares.

Petition filed June 26, 1917; hearing held at the office of the Commission in the city of Albany on July 25, 1917. Appearances: John J. Crennan

and Martin S. Decker for petitioner; Frank H. Deal for United Commercial Travelers. This is an application of the Hudson River and Eastern Traction Company for permission to increase its maximum cash fare in the village of Ossining from five to seven cents, and to sell four tickets for twenty-five cents; and to increase the rate for school tickets from two and one-half cents to three and one-half cents. The company operates 2.81 miles of track in the village, all but .9 of which is in paved streets. The outstanding capital stock and bonds amount to \$84,000 and \$130,000 respectively. The company has never paid any interest on its bonds nor dividends on its stock. All of the bonds were issued pursuant to orders made by this Commission and its predecessor, the Railroad Commission. The road and equipment are maintained in good operating condition. No other street railroad operates in the village of Ossining. The franchises of the corporation contain a provision that the company shall not charge a fare of more than five cents within the limits of the village of Ossining, and that tickets shall be sold for school children at two and one-half cents each. The following exhibit was introduced in evidence to show the result of the company's operations for the five years ending June 30, 1916:

Hudson River and Eastern Traction Company, Exhibit F: Condensed Summary, Total Earnings and Expenses, Five Years' Operations, June 30, 1912, to June 30, 1916.

	Year 1912	Year 1913	Year 1914	Year 1915	Year 1916
Earnings and expenses:					
Total revenue.....	\$29,320.95	\$29,032.85	\$28,642.90	\$26,395.98	\$25,373.70
Total operating expenses, including taxes.....	26,609.33	25,500.32	26,589.04	25,679.12	25,558.37
Net income.....	\$2,711.62	\$3,532.53	\$2,053.86	\$716.86	\$184.37
Total deductions.....	8,729.36	9,085.86	9,476.12	9,777.24	10,406.35
Net corporate income....	\$8,017.74	\$5,553.33	\$7,422.26	\$9,060.38	\$10,591.02
Per car-mile operated:					
Total revenue.....	\$.1804	\$.1913	\$.2009	\$.1779	\$.1738
Total operating expenses, including taxes.....	.1637	.1680	.1865	.1731	.1750
Net income.....	\$.0167	\$.0233	\$.0144	\$.0048	\$.0012
Total deductions.....	.0637	.0599	.0665	.0659	.0713
Net corporate income....	\$.0570	\$.0366	\$.0521	\$.0611	\$.0725
Revenue car-miles:					
Number of passenger car- miles.....	162,578	151,776	142,579	148,345	146,008

The following is the balance sheet of the company as of December 31, 1916:

Assets:	
Electric railroad fixed capital.....	\$253,401.73
Materials and supplies.....	3,283.46
Cash	1,388.87
Accounts receivable	1,096.30
Prepayments	215.39
Unamortized debt discount and expense	9,908.24
Miscellaneous suspense	3,369.22
Corporate deficit	82,962.02
	\$355,625.23
Liabilities:	
Capital stock	\$84,000.00
Funded debt	130,000.00
Accounts payable	9,906.52
Interest on funded debt.....	47,258.34
Bills payable	58,581.13
Accrued amortization of capital.....	2,842.68
Paving assessment	23,036.56
	\$355,625.23

The company also introduced another exhibit covering its operations for the year ending December 31, 1916, showing a slight decrease in operating

revenue and increase in operating expenses as compared with the twelve months ending June 30, 1916. It is estimated that the proposed increases in rates will give the corporation an additional revenue of approximately \$6000 per annum. The secretary of the company, who was called as a witness, testified that the earnings of the company were insufficient to enable it to set up a proper reserve for depreciation, and that even with the additional revenue which will be obtained from increased rates the company would still be unable to pay the interest on its bonds and provide anything for surplus and contingencies. The record in this case clearly shows that the maximum fares now charged by the petitioner in the village of Ossining are insufficient to yield reasonable compensation for the service rendered and to provide the corporation with a reasonable return upon the value of the property employed in the public service and a reserve for surplus and contingencies. The Commission therefore determines that the just and reasonable rates, fares, and charges to be hereafter observed and in force as the maximum to be charged by the Hudson River and Eastern Traction Company in the village of Ossining for the service performed by it shall be as follows: Cash fares, seven cents; four tickets for twenty-five cents; school tickets, ten for thirty-five cents; notwithstanding the conditions in the franchises of the corporation as to fare limitations, or the provisions of section 181 of the Railroad Law relative to a five cent fare within the limits of cities and incorporated villages. It is therefore

Ordered: That the Hudson River and Eastern Traction Company be and it hereby is authorized to increase its present rates of fare within the village of Ossining and to charge the following maximum fares, to wit: Cash fare seven cents; four tickets to be sold for twenty-five cents; school tickets in books or packages of ten for thirty-five cents; upon five days' notice to the public and the Commission, the tariff effecting such increases to be filed in accordance with the provisions of section 28 of the Public Service Commissions Law and to bear the following notation: "Issued on five days' notice to the public and the Commission, under order of the Public Service Commission, Second District, State of New York, of date November 20, 1917, in case No. 6084." This determination and order may be reopened at any time if and when it may appear to the Commission that the controlling reasons for allowing an increase of fares in excess of those which otherwise would legally obtain no longer exist.

[Case No. 6086]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of HUNTINGTON RAILROAD COMPANY under subdivision 1, section 49 of the Public Service Commissions Law for permission to increase passenger fares.

The Commission having determined, for the reasons and upon the facts set forth in the accompanying Opinions, that the present rate of fare now charged by the Huntington Railroad Company within the limits of incorporated villages and in the established fare zones between its present termini is unjust and unreasonable and is insufficient to provide reasonable compensation for the service rendered and a reasonable return upon the value of its property actually used in the public service and a reserve for surplus and contingencies, it is

Ordered: That the Huntington Railroad Company be and it hereby is authorized to increase its maximum rate of fare within the limits of the incorporated villages in which it is now operating its street surface railroad from five cents to six cents, and to make a similar increase of its present maximum fare in each of the other established fare zones in which it operates so that the maximum fare between the termini of said railroad shall be thirty-six cents instead of thirty cents as at present. Such increases may be made upon five days' notice to the public and the Commission, the tariffs effecting such increases to be filed in accordance with the provisions of section 28 of the Public Service Commissions Law and to bear the following notation: "Issued on five days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date November 20, 1917, in case No. 6086." This determination and order may be reopened at any time if and when it may appear to the Commission that the controlling reasons for allowing an increase of fares in excess of those which otherwise would legally obtain no longer exist.

[Case No. 6091]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARRITE,
Commissioners.

In the matter of the Petition of NORTHPORT TRACTION COMPANY under subdivision 1, section 49 of the Public Service Commissions Law for permission to increase passenger fares.

Petition filed June 25, 1917; hearing held at the office of the Commission in the city of Albany on August 29, 1917. Appearances: Joseph F. Keany for petitioner; no one in opposition. This is an application by the Northport Traction Company for permission to increase its fare from five cents to six cents in the village of Northport. The only protest against such an increase was filed by the town board of the Town of Huntington on August 28, 1917. The Northport Traction Company operates a street surface railroad 2.69 miles in length, running from the station of The Long Island Railroad Company at Northport along Depot road into and through the village of Northport, terminating at the water front. Construction was begun in November, 1901, and the road was placed in operation in April, 1902. Its outstanding capital stock amounts to \$45,000, all of which is owned by The Long Island Railroad Company, and there is no bonded debt. No dividends have ever been paid on the stock. The road was built as a feeder to the Long Island railroad, and it handles both freight and passengers from the station of that company to the village of Northport. The franchises granted to the company by the board of trustees of the Village of Northport and by the commissioners of highways of the Town of Huntington on September 23, 1901, and September 14, 1901, respectively, purport to fix a fare of five cents in the village of Northport, and to authorize the company to collect such fares beyond the village limits as are allowed by law. In view of the determination made by the Commission in case No. 6086, Huntington Railroad Company, it is of the opinion that it has full power to consider the present case on its merits regardless of either the franchise restrictions or the provisions of section 181 of the Railroad Law. The following figures are taken from the reports of the petitioner on file with the Commission:

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INCOME ACCOUNT

	1910	1911	1912	1913	1914	1915	1916
Op. Rev.....	\$11,602	\$11,527	\$11,585	\$11,467	\$11,237	\$10,971	\$10,862
Op. Ex.....	12,358	11,446	10,635	9,348	9,731	10,631	11,312
Net op. rev.....	\$756	\$80	\$950	\$2,118	\$1,506	\$340	\$—450
Taxes.....	413	416	496	335	432	328	404
Op. Inc.	\$—1,169	\$—334	\$454	\$1,783	\$1,074	\$12	\$—854

Variations in totals due to elimination of cents.

BALANCE SHEET

	1910	1911	1912	1913	1914	1915	1916
Assets:							
Cash.....	.....	.....	.....	\$602	\$3,146	\$3,670	\$2,894
Other current assets..	79	85	126	157	160	107	124
Misc. Inv.....	.....	.....	.....	.....	.....	.....	5,130
Fixed capital.....	48,480	50,311	50,311	50,311	50,311	50,311	50,334
Corporate deficit....	8,510	9,147	8,992	7,510	6,735	7,121	8,448
	\$57,069	\$59,543	\$59,430	\$58,580	\$60,352	\$61,209	\$66,929
Liabilities:							
Unfunded debt.....	\$11,369	\$12,774	\$11,575	\$8,905	\$8,937	\$8,861	\$13,921
Accrued amortization of capital.....	700	1,769	2,855	4,675	6,414	7,347	8,007
Capital stock.....	45,000	45,000	45,000	45,000	45,000	45,000	45,000
	\$57,069	\$59,543	\$59,430	\$58,580	\$60,351	\$61,208	\$66,928

Variations in totals due to elimination of cents.

The vice-president of the company, Mr. Addison, who was a witness for the petitioner, testified that he was familiar with the property and that the book value of the property fairly represented its cost. He also stated that he had made an examination of the property as an engineer for the purpose of determining what the probable cost of the road was at the time it was built, using figures for labor and material which prevailed at that time. The estimate so made by him was slightly higher than the book value of the road and equipment. He also stated that the reproduction value of the property would be still higher. The present value of the property employed in the public service may be said to be at least equal to the face value of the outstanding capital stock which amounts to \$45,000. For the seven years 1910 to 1916 inclusive the operating revenues of the company were \$79,251. The operating expenses amounted to \$67,454; the taxes were \$2824: \$70,278: leaving a balance of \$8973 for rentals, depreciation, dividends, etc., for a period of seven years. It is plainly apparent that the earnings of this company are not sufficient to give a reasonable average return upon the value of the property employed in the public service. The operation of the road is necessary for the service of the public and it is desirable that the same be continued. The company is entitled to reasonable compensation for the service which it renders. Under the circumstances the corporation is justified in increasing its rate of fare to six cents in accordance with the prayer of its petition. It is therefore

Ordered: That the Northport Traction Company be and it hereby is authorized to increase its rate of fare within the limits of the incorporated village of Northport from five cents to six cents, upon five days' notice to the public and the Commission, the tariff effecting such increase to be filed in accordance with the provisions of section 28 of the Public Service Commissions Law, and to bear the following notation: "Issued on five days' notice to the public and the Commission, under order of the Public Service Commission, Second District, State of New York, of date November 20, 1917, in case No. 6091." This determination and order may be reopened at any time if and when it may appear to the Commission that the controlling reasons for allowing an increase of fares in excess of those which otherwise would legally obtain no longer exist.

[Case No. 6143]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of CAYUGA TOOL STEEL COMPANY, LIMITED,
under section 53, Public Service Commissions Law,
for permission to construct a single track siding in
Auburn, crossing a street at grade; and for approval
of a franchise received from the city.

The petitioner, Cayuga Tool Steel Company, Limited, asks for permission under section 53 of the Public Service Commissions Law to construct at grade in the city of Auburn a single track siding for freight from a connection with the existing siding owned by Henry & Allen, which in turn connects with the tracks of The Lehigh Valley Rail Way Company. The proposed siding will begin on the land of Henry & Allen about five feet south of the south line of Frazee street, cross Frazee street, and be continued about eight hundred and twenty-eight (828) feet on the property of the steel company. The petition also asks for the approval of the franchise granted by the common council of the City of Auburn July 17, 1917, and approved by the mayor July 18, 1917, for the construction and operation of such sidetrack across Frazee street. A public hearing was held in the city of Auburn July 30, 1917, at which Mr. Arthur E. Blauvelt appeared for the petitioner; and Mr. Fred J. Blauvelt, division engineer, appeared for The Lehigh Valley Rail Way Company and the Lehigh Valley Railroad Company. No one appeared in opposition. The case was heard on the sworn petition and exhibits and a personal inspection of the premises by the sitting Commissioner. The railway company and railroad company announced that they joined in the application, and an assignment by the petitioner of said franchise to the railroad company for itself and the railway company has been made and a copy has been filed with the Commission. The railway company is the proprietor of the lines with which the proposed sidetrack and the Henry & Allen sidetrack connect. The railroad company is its lessee and the operating company. The railroad company will construct and operate the sidetrack. It appears to the Commission that the construction of said sidetrack is necessary and convenient for the public service, and it is therefore

Ordered: 1. That the permission of this Commission be and it hereby is given to The Lehigh Valley Rail Way Company and Lehigh Valley Railroad Company to lay, construct, maintain, and operate, at grade across Frazee street, a track siding for freight from a connection in the existing tracks of a spur of the Lehigh Valley Railroad Company, in the location and as indicated and shown in red on the blueprint map attached to and filed with the application herein, so that the same will extend from a point on said spur just south of said Frazee street, across said Frazee street to and on the premises of the Cayuga Tool Steel Company, Limited, so that the same will extend from such connection about eight hundred sixty-three (863) feet, and about five (5) feet is to be constructed on the property of Henry & Allen, and about fifty (50) feet of which crosses Frazee street, and the remainder, about eight hundred twenty-eight (828) feet, upon the property of petitioner.

2. That the approval of this Commission be and it hereby is given to The Lehigh Valley Rail Way Company and Lehigh Valley Railroad to exercise the rights and privileges conferred by said franchise granted by the common council of the City of Auburn July 17, 1917, and approved by the mayor July 18, 1917, subject however to all the terms and conditions thereof.

3. That Cayuga Tool Steel Company, Limited, The Lehigh Valley Rail Way Company, and Lehigh Valley Railroad Company shall notify this Commission within ten days after the service of this order as to their acceptance thereof.

[Case No. 6219]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of COMMUTERS USING TRAIN No. 1004 (passenger), between Buffalo and Rochester, *against* THE NEW YORK CENTRAL RAILROAD COMPANY as to said train being late.

Complaint having been made to this Commission by patrons of The New York Central Railroad Company living west of Rochester concerning the operation of train No. 1004, scheduled to leave Buffalo at 5:20 a. m. and to arrive at Rochester at 7:30 a. m., it being alleged that said train did not keep its schedule but was continually late in arriving at the city of Rochester; and a hearing upon the complaint and answer having been heard by Commissioner Barhite at the city of Rochester on the 10th day of November, 1917, at which time John B. Kelly, esq., of 34 Elwood Building, Rochester, New York, represented the complainants; and various complainants appeared in person; and the respondent having been represented by the firm of Messrs. Harris, Beach, Harris and Matson, its attorneys: by Harry Parry, esq., assistant general passenger agent; Walter Williams, esq., assistant superintendent Syracuse division; and William J. Lawson, esq., trainmaster Syracuse division; and it appearing from the admissions of the complainants that the service of said train since the 1st day of November, 1917, has been satisfactory; and the respondent The New York Central Railroad Company having agreed on and after the 25th day of November, 1917, to schedule said train No. 1004 to leave Buffalo at 5:15 a. m. instead of 5:20 as at present, and to arrive at Rochester at 7:25 a. m. instead of 7:30 as at present; and having further agreed that if it shall appear that said train No. 1004 will be compelled to leave Buffalo more than twenty-five minutes late a special train will be run between Buffalo and Rochester upon the schedule time of said No. 1004; and further, that said train No. 1004 or any train running in the place thereof will stop at the Center Park station in the city of Rochester; and the complainants having expressed themselves as satisfied with the above named arrangement, and they being willing to try the said proposed new schedule, it is

Ordered: That the above entitled case be and the same is hereby closed upon the books of the Commission, with the right to said complainants or any one of them to reopen the case provided it appears after a fair trial of said proposed new schedule that the same does not operate satisfactorily and meet the needs and requirements of said complainants.

[Case No. 5005]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF ROCHESTER under section 91 of the Railroad Law for the elimination of grade crossings at Brown street of the New York Central railroad and the Buffalo, Rochester and Pittsburgh railway, and the construction of an undergrade crossing, in the city of Rochester.

Ordered: That a first accounting and settlement of expenses of The New York Central Railroad Company, the Buffalo, Rochester and Pittsburgh Railway Company, and the City of Rochester, incurred by reason of the determination of the Commission of July 26, 1916, in the matter above entitled, be entered into by the respective interested parties, said accounting to include expenditures to November 1, 1917.

[Case No. 6087]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

Petition of ITHACA TRACTION CORPORATION under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

This matter having come on for a hearing before the Commission; and the Commission having determined, for reasons stated in the memorandum accompanying this order, that the application of the Ithaca Traction Corporation under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares should be granted, to the extent of permitting the company to charge a six cent fare within the limits of the city of Ithaca instead of five cents as at present, it is hereby

Ordered: That the Ithaca Traction Corporation be and it hereby is authorized to increase its rates of fare within the limits of the city of Ithaca, and to charge six cents instead of five cents for transportation over its lines within the said city, upon five days' notice to the public and the Commission, the tariff effecting such increase to be filed in accordance with the provisions of section 28 of the Public Service Commissions Law and to bear the following notation: "Issued on five days' notice to the public and the Commission under order of the Public Service Commission, Second District, State of New York, of date November 21, 1917, in case No. 6087." This determination and order may be reopened at any time if and when it may appear to the Commission that the controlling reasons for allowing an increase of fares in excess of those which otherwise would legally obtain no longer exist.

812 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6093]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

Petition of ORANGE COUNTY TRACTION COMPANY under subdivision 1, section 49, Public Service Commissions Law, for permission to increase passenger fares.

This matter having come on for hearing by the Commission; and the Commission having reached the conclusion that it possesses the requisite authority to grant the relief here asked for in the proper case; and it having been established to the satisfaction of the Commission that during the year 1916 the return upon the property of the Orange County Traction Company employed in the public service amounted to but 3.86 per cent of the value of such property, and that with the increased cost of operation this is likely to be reduced during the present year to a return of not exceeding 1.5 per cent; and the Commission having satisfied itself, further, that all reasonable economies are being practiced by the management of this company, and that no form of relief other than through an increase in fare is now open to this corporation, and that under these circumstances it is the duty of the Commission to permit the applicant to charge, in connection with its present system of free transfers, six cents instead of five cents for transportation over its various divisions and routes in the city of Newburgh; now, therefore, it is hereby

Ordered: That the Orange County Traction Company be and it hereby is authorized to increase its present rates of fare within the city of Newburgh, and to charge, in connection with its present system of free transfers, six cents instead of five cents for transportation over its various divisions and routes in said city, upon five days' notice to the public and the Commission, the tariff effecting such increase to be filed in accordance with the provisions of section 28 of the Public Service Commissions Law and to bear the following notation: "Issued on five days' notice to the public and to the Commission under order of the Public Service Commission, Second District, State of New York, of date November 21, 1917, in case No. 6093." This determination and order may be reopened at any time if and when it may appear to the Commission that the controlling reasons for allowing an increase of fares in excess of those which otherwise would legally obtain no longer exist.

[Case No. 6101]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of MILTON L'ECLUSE against ADAMS EXPRESS COMPANY, asking for delivery service at Manhasset and Plandome, L. I.

Complaint having been made by Milton L'Ecluse against the Adams Express Company, asking for delivery service at Manhasset and Plandome, Long Island; and the case having come on in due course for a hearing before

the Commission, at which time it was agreed between the parties, after hearing the testimony presented on behalf of the respondent, that no action should be taken in the matter for the present by the Commission, but that the complainant and respondent should conduct further negotiations between themselves looking to an adjustment of this matter which would be mutually satisfactory and fair to both parties; and the Commission having been informed that these negotiations have not yet been concluded, but are still in progress, with the likelihood that eventually a satisfactory solution will be worked out by means other than through a formal order of the Commission; and the Commission being desirous of closing upon its records all cases in the situation in which this case now stands, upon such terms however that it will be entirely feasible for the complainant in such a case to reopen the proceeding in the event that the pending negotiations shall lead to no satisfactory adjustment of the dispute, it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with leave to the complainant to move to reopen same on thirty days' notice in the event that circumstances shall hereafter seem to the Commission to require such a reopening.

[Case No. 6111]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK LEVINE,
Commissioners.

In the matter of the Complaint under section 71, Public Service Commissions Law, of TWENTY-FIVE CUSTOMERS *against* LONG BEACH POWER COMPANY as to increase in price of electricity. Also complaint of company, under said section, as to price of electricity.

Certain customers of the Long Beach Power Company having complained to the Commission of an increase in the price of electricity supplied by the said company; and the case having been set down for a hearing by the Commission, and notice of the same having been given to all interested parties; and the complainants having thereafter, and prior to the said hearing, informed the Commission that they desired that an indefinite adjournment of the said hearing be taken in order that they might confer further with the respondent in respect to the matters at issue between them; and considerable time having now elapsed, during which no request has been made on behalf of either party for further consideration of this case; and the Commission being desirous of closing the case upon its records pending a determination by the complainants of the question whether or not they desire to take any further steps in the matter, it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with leave to the complainants to move to reopen same on thirty days' notice if the circumstances should seem to them to warrant such reopening.

814 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 6112]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint under section 71, Public Service Commissions Law, of the TRUSTEES OF THE VILLAGE OF LONG BEACH *against* LONG BEACH POWER COMPANY as to increase in price of electricity. Also complaint of company, under said section, as to price of electricity.

The trustees of the Village of Long Beach having complained to the Commission of an increase in the price of electricity supplied by the said company; and the case having been set down for a hearing by the Commission, and notice of the same having been given to all interested parties; and the complainants having thereafter, and prior to the said hearing, informed the Commission that they desired that an indefinite adjournment of the said hearing be taken in order that they might confer further with the respondent in respect to the matters at issue between them; and considerable time having now elapsed, during which no request has been made on behalf of either party for further consideration of this case; and the Commission being desirous of closing the case upon its records pending a determination by the complainants of the question whether or not they desire to take any further steps in the matter, it is hereby

Ordered: That this case be and the same hereby is closed upon the records of the Commission, with leave to the complainants to move to reopen same on thirty days' notice if the circumstances should seem to them to warrant such reopening.

[Case No. 6184]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 21st day
of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of EDWIN W. FISKE, as Mayor of the City of Mount Vernon, *against* THE WESTCHESTER ELECTRIC RAILROAD COMPANY and THE YONKERS RAILROAD COMPANY, asking that through routes and joint rates be established.

Edwin W. Fiske, as Mayor of the City of Mount Vernon, having complained against The Westchester Electric Railroad Company and The Yonkers Railroad Company asking that through routes and joint rates be established by these corporations between the cities of Mount Vernon and Yonkers; and the matter having come on in due course for a hearing before the Commission; and the Commission being of the opinion from the evidence presented to it and from its knowledge of the financial condition of the respondent corporations that no such order as the complainant asks for in this proceeding should be made at this time, directing the two respondent corporations respectively "to issue and receive for one cash fare of five cents suitable

transfers entitling a passenger to ride to and from any point in Mount Vernon to the center of Yonkers, or to the main terminus of the street railroad in Yonkers"; it is hereby

Ordered: That this complaint be and the same hereby is denied and that the case be closed upon the records of the Commission.

[Case No. 6213]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of HARRY R. DAVIDSON, as Supervisor of the Town of Waterford, Saratoga county, *against* THE DELAWARE AND HUDSON COMPANY as to condition of Van Ness Street grade crossing.

This complaint charges that a highway crossing at grade of the respondent's railroad in the town of Waterford is not constructed and maintained in the manner required by law. By letter dated November 19, 1917, from the attorney for the complainant, the Commission is advised that the complainant desires to withdraw the complaint. It is therefore

Ordered: That the case be and the same hereby is closed on the records of the Commission.

[Case No. 6224]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Petition of LONG ISLAND LIGHTING COMPANY under section 69, Public Service Commissions Law, for authority to issue \$100,000 in common capital stock and \$143,000 in first mortgage 5 per cent 25-year gold bonds.

Petition filed October 8, 1917; report of division of capitalization dated November 16, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Long Island Lighting Company is hereby authorized to issue \$143,000 face value of its 5 per cent 25-year first mortgage sinking fund gold bonds under a certain indenture, deed of trust, or mortgage dated the 1st day of March, 1911, given to the Bankers Trust Company as successor trustee by merger to the Mercantile Trust Company of New York, to secure an authorized issue of bonds of a total face value of \$6,000,000.

2. That the Long Island Lighting Company is hereby authorized to issue \$100,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least \$100,000.

3. That said bonds of the total face value of \$143,000 may be sold for not less than 87½ per cent of their face value and accrued interest to give net proceeds of at least \$125,125.

4. That said bonds and stock of the face and par value of \$243,000 so authorized, or the proceeds thereof amounting to \$225,125, shall be used solely and exclusively for the following purposes:

(a) For the payment of current liabilities outstanding at December 31, 1915, which were assumed by the petitioner herein incident to the merger into itself of the South Shore Gas Company and Suffolk Gas and Electric Light Company, as permitted by orders in cases Nos. 5577 and 5578 dated March 14, 1917, or the renewals or extensions of said liabilities.....	\$132,678.04
(b) For working capital, provided that such working capital shall not be disbursed by the petitioner for purposes properly chargeable to income but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.	100,000.00
	<hr/>
	\$232,678.04
Amount unprovided for	\$7,553.04

5. That if the said securities of a total face and par value of \$243,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$232,678.04, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Long Island Lighting Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Long Island Lighting Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what securities have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such securities were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivision (a) of clause No. 4 of this order there shall be shown in detail the amount expended therefor during such period of the proceeds of the securities herein authorized; (g) with respect to subdivision (b) of clause No. 4 of this order there shall be shown the amount used therefor during such period of the proceeds of the securities herein authorized. Such reports shall continue to be filed until all of said securities shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no securities were sold or disposed of or proceeds expended or used the report shall set forth such fact.

8. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said securities herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except to the amount of \$132,678.04.

[Case No. 6240]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 21st day of November, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
WM. TEMPLE EMMET,
FRANK IRVINE,
Commissioners.

In the matter of the Complaint of J. MAXWELL KNAPP, G. P. MARBLE, and MOSES SEIDLIN of Hurleyville, Sullivan county, *against* MURRAY ELECTRIC LIGHT AND POWER COMPANY as to failure to furnish electricity.

In the above matter the company answered that beginning November 13, 1917, complainants were furnished with current, and representative of complainants informed the Commission to the same effect. It is therefore

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 1519]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1917.

Present:

FRANK IRVINE,
JAMES O. CARE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the MAYOR AND COMMON COUNCIL OF THE CITY OF JAMESTOWN for the elimination of certain grade crossings of highways over the tracks of the Erie Railroad Company in the city of Jamestown.

Ordered: That a fifth intermediate accounting and settlement of expenses incurred by the Erie Railroad Company, the City of Jamestown, and the State of New York on account of the work now in course of execution under order of this Commission in the above entitled matter be entered into by the interested parties, said accounting to include expenditures to November 1, 1917.

818 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 3778]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF OGDENSBURG under section 91 of the Railroad Law for the elimination of the Spring Street and Lake Street grade crossings of the New York Central railroad in said city.

Ordered: That a fourth intermediate accounting and settlement of expenses of The New York Central Railroad Company and the City of Ogdensburg incurred on account of work now in course of progress under order of this Commission in the above entitled matter be entered into by the respective interested parties, said accounting to include expenditures to November 1, 1917.

[Case No. 5329]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the MAYOR AND COMMON COUNCIL OF THE CITY OF KINGSTON and THE NEW YORK CENTRAL RAILROAD COMPANY under section 91 of the Railroad Law as to closing of the Emerick Street grade crossing of the West Shore Railroad (lessor) in said city.

The work covered by the Commission's determination in the above entitled matter having been entirely completed in accordance with the requirements of said determination to the satisfaction of The New York Central Railroad Company, and the City of Kingston as indicated by a letter from the Mayor of November 15, 1917, it is

Ordered: That the completed work be and it is hereby approved.

[Cases Nos. 5815, 5816]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of PATRONS OF THE WADING RIVER BRANCH *against* THE LONG ISLAND RAILROAD COMPANY, asking that the passenger train formerly leaving New York at 5:12 (or 5:18) p. m. and Brooklyn at 5:16 p. m. (consolidated) be restored.

In the matter of the Complaint of PATRONS OF THE WADING RIVER BRANCH *against* THE LONG ISLAND RAILROAD COMPANY, asking that the passenger train leaving New York at 4:29 p. m. and Brooklyn at 4:31 p. m. (consolidated) make its first stop at Syosset.

The order in this matter dated February 13, 1917, required among other things that The Long Island Railroad Company operate a second section of train No. 648 on Fridays during the month of November. Inquiry by the Secretary has demonstrated that the company has not been complying with this requirement of the order; but the company, by letter dated November 16, 1917, advises that this non-compliance was due to the decrease in the traffic, which decrease permitted the regular train to be reduced from nine to seven cars. The purpose of the second section was to accommodate excessive week-end travel which heretofore existed, and inasmuch as this travel has apparently ceased to exist, the necessity for operating this section is automatically eliminated. Now, therefore,

Ordered: That the requirement of the order of this Commission dated February 13, 1917, that on Fridays during the month of November The Long Island Railroad Company operate a second section of train No. 648, be and hereby is rescinded.

[Case No. 6084]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of HUDSON RIVER AND EASTERN TRACTION COMPANY under section 49 of the Public Service Commissions Law for permission to increase passenger fares.

In the order made in this case on November 20, 1917, there is a provision to the effect that the Hudson River and Eastern Traction Company shall sell school tickets in books or packages of ten for thirty-five cents. The petitioner has notified the Commission that its franchise requires it to furnish such school tickets in books containing not less than twenty coupons or tickets and that it has been the practice of the corporation to sell school tickets in that form, and that it now has a large number of such ticket books

in stock. A request is made that the aforesaid order be amended so as to provide for the sale of school tickets in substantially the same form as heretofore. Under the circumstances there seems to be no reason why a modification of the order in this respect should not be made, and it is therefore

Ordered: 1. That the provisions of the order of this Commission made on the 20th day of November, 1917, with respect to school tickets, be and the same hereby is vacated and annulled.

2. That the Hudson River and Eastern Traction Company be and it hereby is authorized to increase its present rate for school tickets within the city of Ossining, and to charge the following maximum rate therefor, to wit: School ticket books containing not less than twenty coupons or tickets for seventy cents, upon one day's notice to the public and the Commission, the tariff effecting such increase to be filed in accordance with the provisions of section 28 of the Public Service Commissions Law and to bear the following notation: "Issued on one day's notice to the public and the Commission, under order of the Public Service Commission, Second District, State of New York, of date November 27, 1917, in case No. 6084."

3. Except as herein modified, the provisions of the order of November 20, 1917, shall remain in full force and effect.

[Case No. 6125]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of November, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of Complaints of RESIDENTS OF DEANSBORO AND OTHER POINTS ON THE UTICA DIVISION against NEW YORK, ONTARIO AND WESTERN RAILWAY COMPANY as to discontinuance of trains Nos. 67 and 68 (mixed).

The Commission having on the 13th day of November, 1917, made its order in the above entitled case, wherein and whereby the respondent, New York, Ontario and Western Railway Company, was directed to restore the service on or before the 1st day of December, 1917, of trains furnishing passenger service to run on the Utica division of the respondent, substantially on the schedules of trains 67 and 68 as specified on timetable 105, such trains to continue in service until and including the 4th day of May, 1918; and the respondent having accepted said order and filed a petition for a rehearing, asking that the said order of the Commission be modified so as not to require that train 68 shall be restored, and that train 67 shall not be required to run on Sunday, it is

Ordered: That the respondent in the above entitled proceeding be and it is hereby granted a rehearing.

Further Ordered: That so much of said order made by this Commission in the above entitled proceeding on the 13th day of November, 1917, as required a train to be run on the schedule of train No. 68, and that said train No. 67 shall be run on Sundays, be and the same is hereby suspended until the hearing and decision of this Commission upon the said application for a rehearing.

[Case No. 6205]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE VILLAGE AND TOWN OF SAVANNAH, Wayne county, against RECEIVERS ROCHESTER, SYRACUSE AND EASTERN RAILROAD COMPANY and EMPIRE UNITED RAILWAYS, INC. (now Rochester and Syracuse Railroad Company, Inc.), asking for protection at two grade crossings of streets in said village.

In the above matter, and pending receipt of answer, representative of complainants informed the Commission "that satisfactory arrangements have been agreed upon between the Village of Savannah and the R., D. & E."; and the company informed the Commission that "The resolution of the Savannah village authorities is that at the Main Street crossing the company will cut down the northeast and southeast banks to improve the view to the east for vehicles moving north and south. It has been agreed that cars going south over Main street shall not exceed three miles per hour. At Seneca street, the banks have all been reduced, which has improved the view, and it has been agreed that the speed over Seneca street shall not exceed over ten miles per hour." Therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 6206]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of DANIEL R. HENDRICKSON under chapter 667, laws of 1915, for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Norwich, it being proposed that the route shall be operated from Oxford north to Norwich, through Norwich, and continue north to Sherburne, and return.

Daniel R. Hendrickson asks for a certificate of convenience and necessity for the operation of a stage route by auto buses over certain streets in the city of Norwich as a part of a route to be operated between the villages of Oxford and Sherburne. The consent of the municipal authorities of the City of Norwich was granted July 10, 1917, subject to certain terms and conditions. A public hearing was held in Utica November 19, 1917, at which James S. Flanagan, by C. J. Fuess, appeared for the applicant; and no one appeared in opposition. The case was considered on the sworn petition of the applicant, the statements made at the hearing, and correspondence with the applicant's attorney. Now, therefore, this Commission hereby certifies that public convenience and necessity require the operation by Daniel R.

Hendrickson of an auto bus line as provided in the consent heretofore granted by the mayor and common council of the City of Norwich, a copy whereof is attached to the petition herein, through and along North and South Broad streets in the city of Norwich for the carrying of passengers from the village of Oxford to Norwich, and from Norwich to Sherburne, and return, taking passengers from these villages and the city to and from said places and along the route between Oxford and Sherburne, traversed both going and coming, passing through the city of Norwich in so doing. This certificate is granted subject to all the terms and conditions of the consent hereinbefore mentioned, and subject to present and future ordinances of the City of Norwich and to the provisions of all statutes and requirements of the State of New York which may be applicable thereto; and is not assignable without the consent of this Commission.

[Case No. 6227]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of November, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF CAPE VINCENT, ROSIERE, THREE MILE BAY, and CHAUMONT, Jefferson county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY as to passenger train service between Cape Vincent and Watertown.

In this matter the company answered, stating a new schedule of passenger train service between Cape Vincent and Watertown is to go into effect November 25th; and attorney complainants informed the Commission "This proposed schedule substantially meets the petition, and I believe will prove satisfactory to the petitioners"; therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

Special Permission Tariffs, November, 1917.

No. 6837; November 1, 1917; Rutland Railroad Company:

Ordered: That under its application therefor dated October 31, 1917, the Rutland Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rate of 8.4 cents per 100 pounds to apply on carload shipments of Woodpulp Screenings and Sulphite Pulp Screenings, minimum carload weight 40,000 pounds, from Malone, N. Y., via Norwood, N. Y., and the New York Central railroad, to Black River, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 848, effective November 9, 1917.

No. 6838; November 2, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., East):

Ordered: That under its application therefor dated October 31, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the

date hereof, a tariff schedule establishing a rate of \$1.36 per 2000 pounds to apply on carload shipments of Crushed Stone, minimum weight 60,000 pounds, from Little Falls, N. Y., via Utica, N. Y., and the Delaware, Lackawanna and Western railroad to Vestal, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3430, effective November 10, 1917.

No. 6839; November 3, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated November 2, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a switching rate of 20 cents per 2240 pounds to apply at Buffalo, N. Y., on Iron Ore, in carloads, from Ganson Street docks to interchange tracks of the Pennsylvania railroad, Delaware, Lackawanna and Western railroad, Lehigh Valley railroad, New York Central railroad, and West Shore railroad. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1373, effective November 15, 1917.

No. 6840; November 3, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated November 2, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its tariff of Switching Charges at Buffalo, N. Y., and vicinity, S. S. P. S. C., 2 N. Y., No. 891, adding thereto as Item 27 the following: "On carload freight from interchange with B. C. R. R., B., R. & P. Ry., D., L. & W. R. R., Erie R. R., L. V. R. R., N. Y. C. R. R. (Lines East), N. Y. C. R. R. (Lines West), N. Y., C. & St. L. R. R., South Buffalo R. R. via Lackawanna, N. Y., to Lathrop, Shea & Henwood Company Siding, Mineral Spring Road....(R) \$5 per car." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 8 to S. S. P. S. C. No. 891, effective November 8, 1917.

No. 6841; November 5, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated November 3, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.90 per net ton to apply on carload shipments of Brick, minimum carload weight 50,000 pounds, from Newton Hook, N. Y., to Watertown, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3429, effective November 10, 1917.

No. 6842; November 7, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated November 3, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing the following rates in cents

per gross ton of 2240 pounds to apply on carload shipments of Pig Iron, carload minimum weight 25 gross tons, except when the marked capacity of car is less, in which case the marked capacity of car will be the minimum weight, but in no case shall the minimum weight be less than 15 gross tons, from Troy, N. Y., to New York stations: Schenectady, 63; Utica, 100; Rome, 110; Syracuse, 121; Auburn, 126; Kent Street, Portland Avenue, and State Street stations, Rochester, 137. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3432, effective November 14, 1917.

No. 6843; November 7, 1917; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application therefor dated November 5, 1917, The New York, New Haven and Hartford Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its freight tariff P. S. C., 2 N. Y., No. F-309, for the purpose of providing for application of rates from Central New England railway stations to New York Central railroad stations, viz.: 33rd Street and 130th Street, New York, N. Y., via Rhinecliff, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. F-309, effective November 14, 1917.

No. 6844; November 9, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated November 7, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rate of 63 cents per 2000 pounds to apply on carload shipments of Sand, minimum carload weight 60,000 pounds, from Charlotte, N. Y., to Attica, N. Y., such tariff schedule to bear notation that it will expire with close of business December 2, 1917, and that rates on said traffic will thereafter be found in tariff P. S. C., 2 N. Y., N. Y. C. No. 3418. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3435, effective November 15, 1917.

No. 6845; November 9, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated November 7, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and under an effective date not earlier than December 1, 1917, a tariff schedule reissuing its tariff P. S. C., 2 N. Y., W. S. No. 1064, without change except to prefix triangle reference mark to rate of 10 cents per 2240 pounds applying from storage piles on dock into cars when the New York Central railroad (line Buffalo, N. Y., Clearfield, Penna., and east) or West Shore railroad receives revenue haul. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to notice required, and is given in order that error may be corrected.

Completed by P. S. C. W. S. No. 1069, effective December 1, 1917.

No. 6846; November 13, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated November 12, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield,

Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rates per gross ton of 2240 pounds to apply on carload shipments of Pig Iron, minimum carload weight 25 gross tons except when marked capacity of car is less, in which case the marked capacity of car will be the minimum weight, but in no case shall the minimum be less than 15 gross tons, from Troy, N. Y., as follows: To Brooklyn, N. Y., stations: Wallabout Basin, Brooklyn Eastern District Terminal, Jay Street Terminal, Fulton Terminal, Baltic Terminal, Atlantic Terminal, and Bush Docks; Queensboro Terminal, Long Island City, N. Y.; and New York city, including lighterage, \$1.94; New York City stations: Barclay Street, Desbrosses Street, 42nd Street, Pier 34 East River, St. Johns Park, 33rd Street, 60th Street, and 130th Street, \$1.32. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3440, effective November 23, 1917.

No. 6847; November 14, 1917; The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated November 13, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and under an effective date of November 27, 1917, a tariff schedule superseding its tariff P. S. C., 2 N. Y., N. Y. C. No. 3417, and establishing a rate of 68 cents per 100 pounds, minimum charge \$1, to apply on less than carload shipments of High Explosives, as described in Official Classification P. S. C., 2 N. Y., O. C. No. 44, supplements thereto and reissues thereof, from East Syracuse, N. Y., to Salisbury Center, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required, and is given in order to correct error.

Completed by P. S. C. N. Y. C. No. 3457, effective November 27, 1917.

No. 6848; November 15, 1917; R. N. Collyer, Agent:

Ordered: That under application therefor dated November 14, 1917, R. N. Collyer, agent for carriers duly authorized to publish and file Official Classification, be and hereby is authorized to file, on or before December 1, 1917, and on not less than five days' notice to the public and the Commission, a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 43, such supplement to cancel supplement No. 17 to said tariff, and further postpone, until January 1, 1918, the effective date of item 4, page 6, of supplement No. 14 to said tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 18 to P. S. C. O. C. No. 43, filed November 24, 1917.

No. 6849; November 16, 1917; R. N. Collyer, Agent:

Ordered: That under application therefor dated November 15, 1917, R. N. Collyer, Agent, duly authorized by carriers to file Official Classification, be and is hereby authorized to file a supplement to Official Classification, his P. S. C., 2 N. Y., O. C. No. 44, such supplement to provide for the further postponement until January 1, 1918, of items in said classification now under postponement until December 1, 1917, under authority of special permission No. 6603, as published in supplement No. 10 to said classification. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said

tariff under paragraph (e) of Rule 9, Circular No. 55; and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission requiring additional time in which to consider suggestions proposed to that Commission in argument October 22, 1917, in its I. & S. Docket No. 956.

Completed by supplement No. 18 to P. S. C. O. C. No. 44, filed November 24, 1917.

No. 6850; November 16, 1917; E. Morris, Agent:

This special permission not used.

No. 6851; November 17, 1917; The New York Central Railroad Company (Line Buffalo, N. Y. Clearfield, Penna., and East):

Ordered: That under its application therefor dated November 16, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rate of 79 cents per 2000 pounds to apply on carload shipments of Building Sand, minimum carload weight 60,000 pounds, from Boonville, N. Y., to Morristown, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 6 to P. S. C. N. Y. C. No. 3173, effective November 24, 1917.

No. 6852; November 17, 1917; The New York Central Railroad Company:

Ordered: That under the application of The New York Central Railroad Company dated November 16, 1917, for itself and all other carriers by railroad subject to the jurisdiction of this Commission, said carriers be and they are hereby authorized to file, on not less than five days' notice to the public and the Commission and under an effective date not earlier than December 5, 1917, supplements to or reissues of said carriers' tariffs containing commodity rates on Manufactured Iron and Steel Articles, Billets, Pig Iron, Scrap Iron, and articles taking same rates, applying to traffic subject to this Commission's jurisdiction between points in New York state in Trunk Line and Middle States Freight Association Territories, and from such points in said territories to New York state points in New England Territory, increasing said rates applicable on said commodities approximately 15 per cent, in line with authorization of the Interstate Commerce Commission in its Fifteenth Section Order No. 90, of date November 14, 1917; such increases, however, to preserve established differentials, rate relationships, and be subject to rules governing computation of rates per ton and disposition of fractions of one cent as approved by the Interstate Commerce Commission, and to in no case increase rates on like traffic that were increased on basis of 15 per cent under authority of this Commission's special permission No. 6711, of date August 8, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having authorized similar action as to interstate traffic. The Commission does not hereby approve any of the rates that may be filed and established under this authority, all such rates being subject to protest, suspension, complaint, investigation, and correction, if considered to be in conflict with any of the provisions of the laws of the State of New York.

Completed by tariff publications filed by various carriers; effective December 5, 1917.

No. 6853; November 20, 1917; Erie Railroad Company:

Ordered: That under its application therefor dated November 19, 1917, the Erie Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rate of \$1.36 per

2000 pounds to apply on carload shipments of Crushed Stone, minimum carload weight 60,000 pounds, from Suffern, N. Y., via Middletown, N. Y., and the New York, Ontario and Western railway to Parksville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3849, effective December 5, 1917.

No. 6854; November 22, 1917; Erie Railroad Company:

Ordered: That under its application therefor dated November 21, 1917, The Erie Railroad Company be and is hereby authorized to file, without notice to the public and the Commission but under an effective date of December 14, 1917, a supplement to its freight tariff of rates on commodities, P. S. C., 2 N. Y., No. 3797, for the purpose of canceling supplement No. 1 to said tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 2 to P. S. C. No. 3797, effective December 14, 1917.

No. 6855; November 24, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated November 23, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a local and joint tariff schedule establishing rates to apply on shipments of Fluid Milk, in 40-quart cans, as follows:

From	To	Rates per can	
		Carloads Minimum 250 cans	Less carloads Minimum 75 cans
Oran, N. Y.....	Frankfort, N. Y..	23.9¢	27.3¢
Georgetown, N. Y..	Frankfort, N. Y..	23.9¢	27.3¢
Oran, N. Y.....	Newport, N. Y....	23.9¢	27.3¢
Georgetown, N. Y..	Newport, N. Y....	26.7¢	30.5¢

Said rates will include the free return of empty cans but will not include icing, and the shipments to Newport, N. Y., will be via the New York Central railroad. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1080, effective November 28, 1917.

No. 6856; November 26, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated November 24, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing rate of \$1 per 2000 pounds to apply on carload shipments of Crushed Stone, minimum carload weight 60,000 pounds, from Prospect Junction, N. Y., to Morristown, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3512, effective December 3, 1917.

No. 6857; November 24, 1917; Orange County Traction Company:

Ordered: That under its application therefor dated November 23, 1917, the Orange County Traction Company be and is hereby authorized to file, under an effective date of November 29, 1917, and without noting specific reference to this special permission on tariff, a tariff of local passenger fares, establishing therein such fares between Newburgh, N. Y., and other points on its line, and between such points other than Newburgh on its line, as may

be necessary to bring its fares into proper alignment with the increased fares permitted by this Commission in its order of November 21, 1917, in case No. 6093. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except Rule 28(g) of its Circular No. 55, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 15, effective November 29, 1917.

No. 6858; Ithaca Traction Corporation:

Ordered: That under its application therefor the Ithaca Traction Corporation be and is hereby authorized to file, under an effective date of December 1, 1917, and without noting reference to this special permission on tariff, a passenger tariff establishing such fares of six cents per capita for local one-way transportation over its lines not within the city limits of Ithaca, N. Y., or joint fares in connection with the Central New York Southern railroad as may be necessary to bring its fares for transportation over such lines into proper alignment with the increased fares permitted by this Commission in its order of November 21, 1917, in case No. 6087; also establishing a chartered car charge of \$7 for first hour or fraction thereof for use of "Private Car A". This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except Rule 28(g) of its Circular No. 55, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. P-2, effective December 1, 1917.

No. 6859; November 27, 1917; R. N. Collyer, Agent:

Ordered: That under application therefor dated November 26, 1917, R. N. Collyer, agent duly authorized to file and publish Official Classification for various carriers, be and is hereby authorized to file a supplement to his tariff P. S. C., 2 N. Y., O. C. No. 44, canceling, effective December 1, 1917, on not less than one day's notice to the public and the Commission, supplement No. 9 to said P. S. C., 2 N. Y., O. C. No. 44, and establishing on Bearings; Stone, Natural; and Woolen Clippings, Tailors'; the ratings, descriptions, and regulations set forth in said application which is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given; it applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having by order in its I. & S. Docket No. 1012 ordered the cancellation of said supplement No. 9 and the establishment of the items enumerated in said application.

Completed by supplement No. 19 to P. S. C. O. C. No. 44, effective December 1, 1917.

No. 6860; November 28, 1917; The Long Island Railroad Company:

Ordered: That under its application therefor dated November 28, 1917, The Long Island Railroad Company be and is hereby authorized to file, on or before and under an effective date of December 1, 1917, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 431, and cancel that portion of Rule 2 relating to demurrage charges on export freight not covered by through export bill of lading, shown in supplement No. 2 to said tariff, now under postponement until December 1, 1917. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required; and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission, by its order in I. & S. Docket No. 1010, having required the cancellation of said rule.

Completed by supplement No. 6 to P. S. C. No. 431, effective December 1, 1917.

No. 6861; November 28, 1917; Hornell Traction Company:

Ordered: That under application therefor dated November 27, 1917, The Hornell Traction Company (Robert W. Bull, Receiver) be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within five days from the date hereof, a tariff schedule establishing cash fares for adults of six cents per capita between any two points on its lines where such fare is not already authorized under the order of this Commission dated November 20, 1917, in case No. 6083; and establishing other fares or rates and regulations as more specifically set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 5, effective December 4, 1917.

No. 6862; November 30, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated November 27, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rate of \$1.32 per 2000 pounds to apply on carload shipments of Logs, minimum carload weight 60,000 pounds, from Fishers, N. Y., to Penn Yan, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3520, effective December 6, 1917.

No. El.-32; November 9, 1917; Norwich Gas and Electric Company:

Ordered: That under its application therefor dated November 6, 1917, the Norwich Gas and Electric Company be and is hereby authorized to file, without notice to the public and the Commission but not later than November 9, 1917, Third Revised Leaf No. 6 and Second Revised Leaf No. 11 to its General Schedule for Electricity, P. S. C., 2 N. Y., No. 1, and establish under an effective date of November 9, 1917, the rates and regulations for lighting which are set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations relative to the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective November 9, 1917.

No. El.-33; November 17, 1917; Yonkers Electric Light and Power Company:

Ordered: That under its application therefor dated November 16, 1917, the Yonkers Electric Light and Power Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, an amendment to its General Schedule for Electricity, P. S. C., 2 N. Y., No. 1, establishing the following regulation: "Any and all rate schedules, contracts, service riders, and regulations of this company that may be affected by order No. 137 of the United States Fuel Administrator. Washington, D. C., issued under date of November 13, 1917, to take effect November 15, 1917, are hereby modified and amended so as to comply in all respects with said order, and as modified shall remain in effect until further notice." This authority does not waive any of the requirements of the Commission's published regulations relative to the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective November 23, 1917.

No. El.-34; November 23, 1917; Norwich Gas and Electric Company:

Ordered: That under its application therefor dated November 22, 1917, the Norwich Gas and Electric Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under

an effective date of November 24, 1917, amendments to its General Schedule for Electricity, P. S. C., 2 N. Y., No. 1, and establish the rates and regulations for power service, sign lighting, and post and show window lighting which are set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations relative to the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. El.-35; November 30, 1917; Oneonta Light and Power Company:

Ordered: That under its application therefor dated November 30, 1917, the Oneonta Light and Power Company be and is hereby authorized to file, on and under an effective date of December 1, 1917, an amendment to its General Schedule for Electricity, P. S. C., 2 N. Y., No. 1, superseding Original Leaf No. 5, Service Classification No. 1, thereof, and establish the rates set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's regulations relative to the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective December 1, 1917.

No. G.-14; November 9, 1917; Norwich Gas and Electric Company:

Ordered: That under its application therefor dated November 6, 1917, the Norwich Gas and Electric Company be and is hereby authorized to file, without notice to the public and the Commission but not later than November 9, 1917, Second Revised Leaf No. 4 to its General Schedule for Gas, P. S. C., 2 N. Y., No. 1, and establish under effective date of November 9, 1917, the rates and regulations for lighting and fuel for other than industrial purposes which are set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations relative to the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective November 9, 1917.

No. G.-15; November 23, 1917; Norwich Gas and Electric Company:

Ordered: That under its application therefor dated November 22, 1917, the Norwich Gas and Electric Company be and is hereby authorized to file, on not less than one day's notice to the Commission and under an effective date of November 24, 1917, Fifth Revised Leaf No. 5 to its General Schedule for Gas, P. S. C., 2 N. Y., No. 1, and establish the rates and regulations for gas for industrial purposes which are set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations relative to the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective November 24, 1917.

No. G.-16; November 30, 1917; Oneonta Light and Power Company:

Ordered: That under its application therefor dated November 30, 1917, the Oneonta Light and Power Company be and is hereby authorized to file, on and under an effective date of December 1, 1917, an amendment to its General Schedule for Gas, P. S. C., 2 N. Y., No. 1, superseding First Revised Leaf No. 5, Service Classification No. 1, thereof, and thereby cancel service charge of 50 cents per month, and establish rate of \$1.65 per 1000 cubic feet for gas consumed. This authority does waive any of the requirements of the Commission's published rules relative to the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective December 1, 1917.

[Case No. 4886]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of the UTICA GAS AND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue \$2,500,000 common capital stock, and \$350,000 5 per cent bonds under an existing refunding and extension mortgage for \$5,000,000.

Petition filed April 8, 1915; order entered May 4, 1915; supplemental petition filed September 22, 1917; report of division of light, heat, and power dated November 21, 1917; report of division of capitalization dated November 23, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Utica Gas and Electric Company is hereby authorized to issue \$1,260,000 face value of its 5 per cent 50-year refunding and extension mortgage gold bonds under a certain indenture dated the 1st day of July, 1907, given to the Central Trust Company of New York as trustee to secure an authorized issue of bonds of a total face value of \$5,000,000.

2. That said bonds of the total face value of \$1,260,000 may be sold for not less than 95 per cent of their face value and accrued interest to give net proceeds of at least \$1,197,000.

3. That said bonds of the face value of \$1,260,000 so authorized, or the proceeds thereof to the amount of \$1,197,000, shall be used solely and exclusively for the following purpose: For expenditures made and to be made during the calendar year 1917 for additions and betterments to the Trenton Falls Power Plant of the petitioner as detailed in exhibit P, page 334, of the supplemental petition herein, \$1,315,868, less retirements \$36,665.50: \$1,279,202.50; amount unprovided for, \$82,202.50; in so far as the same may be applicable, provided (1) that such bonds or the proceeds thereof shall be applied on such new construction summarized above only in so far as the same is a real increase in the fixed capital of the petitioner and not a replacement of any part of such fixed capital or substitution for wasted capital or other loss properly chargeable to income, in accordance with the definitions contained in the Uniform Systems of Accounts for Gas and Electrical Corporations; (2) that there shall be no charges to fixed capital on account of engineering services in connection with such construction unless such engineering services shall have been rendered either by other than the regular officers and employees of the corporation, or in a proper case where such services may have been rendered by certain of such officers or employees under an express assignment to such construction or improvement work; (3) that if there shall be required for the aforesaid purpose subject to the limitations herein contained a sum less than the amount set opposite thereto, no portion of the proceeds realized from the sale of such bonds over the actual cost thereof shall be used for any purpose without the further order of this Commission; (4) that the unit prices contained in exhibit P of the supplemental petition are not intended to be and must not be construed by the petitioner as having been determined upon by the Commission as the actual cost of the property and work to be acquired and done and thus properly chargeable to fixed capital, but are intended and shall be construed only to be a present estimate of the probable cost of such property and work, the actual cost of which must be actual expenditures made as defined by the Commission's Uniform Systems of Accounts for Gas and Electric Corporations.

4. That if the said bonds of a total face value of \$1,260,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$1,197,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

5. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Utica Gas and Electric Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

6. That the Utica Gas and Electric Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the bonds herein authorized for each of the purposes set forth in exhibit P attached to the supplemental petition herein and the account or accounts under the Uniform Systems of Accounts for Gas and Electrical Corporations to which the expenditures for such purposes have been charged, giving all details of any credits to fixed capital in connection with such expenditures; (g) a summary of the expenditures for each of such purposes during the period covered by the report; (h) a summary by the prescribed accounts showing the expenditures during such period. In reporting under subdivisions (g) and (h) of this clause there shall be further shown the expenditures of the proceeds of the bonds herein authorized to the beginning of the period reported upon and a total showing such expenditures to the end of the period, together with a statement of the balances in the fixed capital accounts as of the beginning and ending of such period. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

7. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5556]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day of
December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of GEORGE WISHART of New York city under section 68 of the Public Service Commissions Law for permission to construct an electric plant, including poles, wires, and appurtenances, for furnishing and transmitting electricity for light, heat, or power to the public in the town of Seward, Schoharie county, and for approval of the exercise of the rights and privileges under a franchise therefor received from the town.

Petition of SEWARD ELECTRIC LIGHTING AND POWER COMPANY, INC., for approval of extension of life of franchise.

Petition filed November 12, 1917; affidavits of publication filed November 28, 1917; hearing held in the city of Albany on December 3, 1917. Appearances: Thomas J. Whalen for the petitioner; no one in opposition. On June 6, 1916, this Commission made an order authorizing the petitioner to exercise a franchise granted on April 29, 1916, by the town board of the Town of Seward, Schoharie county, New York, to George Wishart, and by him assigned to the petitioner. This franchise provided that it should expire on June 1, 1917, unless extended by the municipal authorities. It also contained a provision to the effect that at any time during the year in question, or at the expiration thereof, the Town of Seward, the Village of Seward, the Village of Hyndsville, or the Village of Dorloo, or any individual or individuals resident of said town, might purchase the machinery, poles, and wires used for lighting, heating, or power purposes, paying therefor the fair market value. On July 14, 1916, the town board of the Town of Seward extended said franchise so that the same should run twenty years from the date of issue, and eliminating the clause hereinabove referred to relating to the purchase of the plant. The petitioner now asks the Commission to approve the exercise of the franchise for the extended time. It has made a considerable investment in constructing and extending its electric plant in the town and proposes to make further additions thereto. The Commission is of the opinion that public convenience and necessity require the exercise of said franchise for the period of twenty years as provided in the resolution of the town board passed on July 14, 1916. It is therefore

Ordered: That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Seward Electric Lighting and Power Company to construct, maintain, and operate an electric plant, with transmission and distribution lines, in the town of Seward, Schoharie county, New York, and to exercise all the rights and privileges set forth in the franchise granted to George Wishart by the authorities of said town on April 29, 1916, as modified, amended, and enlarged by the resolution of the town board of the Town of Seward passed at a meeting held on July 14, 1916.

[Case No. 5599]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of WILLIAM J. CLARK and GEORGE KINNIEB, copartners, of Norwich, under chapter 667 of the laws of 1915 for a certificate of public convenience and necessity for the operation of a stage route by auto buses in the city of Norwich; it being proposed that the route shall also be operated now from Norwich north to Sherburne, and later from Norwich south to Oxford. Petition for consent to assignment of certificate.

July 10, 1916, the Commission granted a certificate of convenience and necessity to William J. Clark and George Kinnier for the operation of a stage route by auto buses in the city of Norwich, as a part of a line extending from the city of Norwich north to the village of Sherburne and south to the village of Oxford. The grantees of the certificate, together with Samuel Pierson, now petition the Commission for its consent to the assignment by the grantees to the said Pierson of said certificate. The City of Norwich by its mayor and common council have consented to such assignment. It is therefore

Ordered: That the consent of the Commission be and hereby is given to the assignment by William J. Clark and George Kinnier to Samuel Pierson of the certificate of convenience and necessity heretofore granted by the Commission to said Clark and Kinnier July 10, 1916.

[Case No. 5796]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the STANDARD LIGHT, HEAT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$90,000 common capital stock.

Petition filed November 24, 1916; report of division of capitalization dated March 6, 1917; report of division of light, heat, and power dated May 25, 1917; final report of division of capitalization dated August 14, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated August 14, 1917, which on September 14, 1917, was sent to the corporation, such entries being listed on pages 13 to 15 inclusive thereof, shall be entered upon the books of the Standard Light, Heat and Power Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Standard Light, Heat and Power Company is hereby authorized to issue \$75,000 par value of its common capital stock which may be sold at a price not less than the par value thereof to give net proceeds of at least that amount.

3. That said stock of the par value of \$75,000 so authorized, or the proceeds thereof to the amount of \$75,000, shall be used solely and exclusively for the following purposes:

(a) For the reimbursement of the treasury of the petitioner for moneys actually expended from income for the acquisition of fixed assets during the period from January 1, 1915, to October 31, 1916, inclusive, not obtained from the issue of stock, bonds, notes, or other evidence of indebtedness of such corporation	\$2,633.59
(b) For the payment of current obligations outstanding at October 31, 1916, as shown on page 8 of the final report of the division of capitalization herein dated August 14, 1917, or their renewals.	51,249.77
(c) For working capital, provided that such working capital shall not be disbursed by the petitioner for purposes properly chargeable to income, but shall be retained to enable the company to carry its accounts receivable and to provide a sufficient amount of materials and supplies to economically transact its business.	21,116.64
	<hr/> \$75,000.00

4. That the Standard Light, Heat and Power Company shall for each six months' period ending December 31st and June 30th file, not more than thirty days from the end of such period, a verified report showing (a) what stock has been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such stock was sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) with respect to subdivisions (a) and (c) of clause No. 3 of this order there shall be shown the amount used therefor during such period of the proceeds of the stock herein authorized; (g) with respect to subdivision (b) of clause No. 3 of this order there shall be shown in detail the amount expended therefor during such period of the proceeds of the stock herein authorized. Such reports shall continue to be filed until all of said stock shall have been sold or disposed of and the proceeds expended and used in accordance with the authority contained herein, and if during any period no stock was sold or disposed of or proceeds expended or used the report shall set forth such fact.

5. That the authority contained in this order to issue stock is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any stock is issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

6. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no stock shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such stock be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said stock herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5910]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Practices of Carriers in the Application of Their Tariffs Relating to the Furnishing of Grain Doors and Bulkheads and the Reasonableness of the Maximum Allowance Made under Such Tariffs when Lumber for Grain Doors or Bulkheads is Furnished by the Shipper.

By the order of the Commission made November 1, 1917, the respondent corporations were directed to file tariffs in accordance with the terms of said order on or before November 10, 1917, to become effective on five days' notice. By amendatory order entered November 8, 1917, the time for filing said tariffs was extended until November 24, 1917. The Boston and Albany Railroad Company which was not a respondent, the Lehigh Valley Railroad Company, and The New York Central Railroad Company filed tariffs in pursuance of said order: the Boston and Albany and Lehigh Valley on November 26th and the New York Central November 27th; the tariffs of the Boston and Albany to become effective December 1st and those of the Lehigh Valley and the New York Central to become effective December 2nd. It appears to the Commission that the delay in filing said tariffs was due to causes reasonably justifying such delay and that their acceptance is in the public interest; it is therefore

Ordered: That said tariffs, to wit Boston and Albany P. S. C., 2 N. Y., No. 643; Lehigh Valley Sup. 7 to P. S. C., 2 N. Y., No. D-3315; and the New York Central P. S. C., 2 N. Y., L. S., No. 260, be and the same hereby are accepted *nunc pro tunc* as a compliance with the said orders of the Commission effective as stated therein.

[Case No. 5922]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of the BUTTERMILK FALLS ELECTRIC COMPANY and ORANGE AND ROCKLAND ELECTRIC COMPANY under section 70, Public Service Commissions Law, for consent to the transfer of the franchises, works, and system of the first named to the second named company; and by the Orange and Rockland Electric Company for consent to acquire all of the capital stock of the first named company, and under subdivision 3, section 61, Transportation Corporations Law, merge it under section 15 Stock Corporation Law; the Orange and Rockland Electric Company also asking in this petition for authority under section 69, Public Service Commissions Law, to issue preferred capital stock and mortgage bonds.

Supplemental
order.

Petition filed February 23, 1917; report of division of capitalization dated April 12, 1917; order entered April 12, 1917; report of division of light, heat, and power dated April 17, 1917; allocation of cost to petitioner of the property of the Buttermilk Falls Electric Company filed October 30, 1917; report of division of capitalization dated November 3, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the property and assets of the Buttermilk Falls Electric Company, which company has been merged into the Orange and Rockland Electric Company pursuant to authority granted herein by order dated April 12, 1917, shall be entered upon the books of the last named company at the values as of June 30, 1916, shown in the reports of the Commission's divisions summarized in the final report of the division of capitalization dated November 3, 1917, except as the same may have been modified by any subsequent duly authorized business transactions of the first named corporation.

2. That within thirty days of the date of this order complete statements shall be filed with the Commission, duly verified by the respective secretaries or other executive officers, which shall show (a) details of the changes in the accounts of the Buttermilk Falls Electric Company in so far as such details record the changes in its property, assets, and liabilities from June 30, 1916, to June 6, 1917, the actual date of the merging of that company into the Orange and Rockland Electric Company; (b) detailed balance sheet of the Buttermilk Falls Electric Company as of June 6, 1917, the date of the merger of that company into the Orange and Rockland Electric Company; (c) particulars of the entries made upon the books of the Orange and Rockland Electric Company to reflect the merging into itself of the Buttermilk Falls Electric Company.

3. That the amount of \$12,339.81 which is to be debited to the account "Suspense to be Amortized" as provided for in clause No. 1 hereof shall be amortized by crediting that account and charging the account "Other Contractual Deductions from Income" according to the following program: For the calendar year 1917, \$1339.81; for each of the eleven years 1918-1928, both inclusive, \$11,000; provided that the said company may amortize the said sum more rapidly than herein provided by crediting the account "Suspense to be Amortized" and debiting the account "Corporate Surplus" with the excess so credited over the amount required as shown by the foregoing schedule.

4. That the Orange and Rockland Electric Company shall include among the entries recording the acquisition by merger of the Buttermilk Falls Electric Company an entry which shall charge "Corporate Surplus" and credit an account to be designated "Reserve, Buttermilk Falls Purchase" with the amount of \$639.81. and shall keep the amount of such reserve unimpaired until such time as the balance in the account "Suspense to be Amortized," which is to be set up incident to the acquisition of the Buttermilk Falls property, shall be reduced to or below the amount of \$11,700.

Finally, it is determined and stated that in the opinion of the Commission the money procured by the issue of the securities authorized to be issued by order herein dated April 12, 1917, was reasonably required for the purposes specified therein. and that such purposes were not in whole or in part reasonably chargeable to operating expenses or to income except to the amount of \$11,700.

[Case No. 6138]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE TOWNSHIPS OF ROOT, GLEN, AND CHARLESTON, Montgomery county, *against* THE NEW YORK CENTRAL RAILROAD COMPANY, lessee West Shore Railroad, asking that trains Nos. 1007 and 1008, passenger, formerly stopping at Randall and Sprakers, be restored.

Certain residents and taxpayers of the towns of Root and Glen, in the county of Montgomery, New York, having filed their petition with this Commission wherein and whereby said petitioners ask that trains Nos. 1007 and 1008, traveling eastwardly and westwardly on the New York, Buffalo and West Shore railroad (The New York Central Railroad Company, lessee) should be restored; and the said railroad company having filed its answer to the petition, and the issues thus framed by the petition and the answer having come on to be heard before Commissioner Barhite at the office of the Commission in the city of Albany, New York, on the 3rd day of October, 1917; and the railroad company having thereafter, by its timetable No. 6, effective November 25, 1917, restored to service said trains on a schedule satisfactory to the petitioners; and John Bowdish Gove, esq., of Rural Grove, New York, one of said petitioners, having addressed a letter to this Commission stating that the restored service is satisfactory to said petitioners, it is

Ordered: That this case be and the same is hereby closed upon the books of the Commission.

[Case No. 6172]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

In the matter of the Complaint under sections 71 and 72, Public Service Commissions Law, of ANDREW E. CEPERLEY, as mayor of the City of Oneonta, *against* ONEONTA LIGHT AND POWER COMPANY as to minimum charge of fifty cents a month for gas, and as to proposed service charge of fifty cents a month for gas.

It appearing that a complaint has been filed in the above entitled matter by Andrew E. Ceperley, as mayor of the City of Oneonta, alleging that tariffs filed by the respondent, effective September 1, 1917, are unjust and unreasonable in that they impose a service charge to gas customers of fifty cents per month; and it further appearing that an answer to said complaint has been duly filed and served, wherein the respondent denied that said service charge is unjust and unreasonable, and alleges that said service charge is essential to the financial welfare of said respondent; and it further appearing that the parties have stipulated, the complainant appearing in person and by his attorney, Owen C. Becker; and the respondent appearing by J. F. Thompson, attorney, and G. T. Smith; that said tariff or service charge be canceled as of December 1, 1917, and that the schedule of rates, commencing as of December 1, 1917, be eleven cents maximum per kilowatt hour for electricity, and \$1.65 per thousand cubic feet for gas; that one-half of the service charge already made be rebated; and it being further stipulated that said increase shall continue only during the present period of high prices of labor and material existing on account of the war; it is therefore

Ordered: That the case be and the same hereby is closed on the records of the Commission.

[Case No. 6197]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

In the matter of the Complaint of CLARENCE E. KUENN, LEWIS HILL, and JOHN P. BERNs *against* RECEIVER BUFFALO AND LAKE ERIE TRACTION COMPANY, asking that cars stop at Lake Lane, in the town of Hamburg, Erie county.

Clarence E. Kuenn, Lewis Hill, and John P. Berns of the town of Hamburg, county of Erie, and State of New York, having filed their petition with this Commission, asking that a station may be established at or near the Lake Lane crossing, so called, on the line of the Buffalo and Lake Erie Traction Company in the town of Hamburg, county of Erie, and State of New York; and George Bullock, as Receiver of the said Buffalo and Lake Erie Traction Company, through his attorneys, having made answer to said petition; and the issues having come on to be heard before Commissioner Barhite at the

office of the Commission in the city of Buffalo on the 2nd day of November, 1917, at which time W. T. Bushman, esq., represented the complainants; and Lyman M. Bass, esq., represented the respondents; and thereafter a conference having been held between the interested parties, at which conference the petitioners and their attorney, W. T. Bushman, esq., were present, and the respondent was represented by A. R. Myers, esq., assistant to the receiver, and by Lyman M. Bass, esq., his attorney; and this Commission was represented by Charles R. Barnes, esq.; and a certain stipulation having been made at said conference which was satisfactory to the interested parties; and this Commission having determined from the evidence that the station demanded in the petition should reasonably be built in order to promote the convenience of the public, and that the terms of said stipulation should be carried out; now, therefore,

Ordered: That George Bullock, as Receiver of the Buffalo and Lake Erie Traction Company, be and he is hereby ordered and directed to erect and maintain a shelter station at a point approximately one hundred fifty feet east of the Lake Lane crossing, so called, in the town of Hamburg, Erie county, New York, on the private right of way of the Buffalo and Lake Erie Traction Company, on the northerly side of the tracks of said company, and shall build and maintain a proper approach over the private property of said company on the north side of the right of way of said company from said shelter station to the boundary of the company's property. All passenger trains moving over the tracks of said company in either direction and passing said station shall stop thereat, except limited or business men's trains; trains shall stop upon signal or upon request of passengers who may desire to alight at said station.

Further Ordered: That this order is made upon the agreement and understanding that Clarence Kuenn, Fred Kuenn, and John P. Berns, petitioners in this proceeding, and such other persons as they may associate with them for such purpose, shall construct and maintain a proper approach from the highway at a convenient point approximately one hundred fifty feet north of the right of way of said company to the boundary of the right of way of said company at a point where it will join the approach built by the respondent.

Further Ordered: That the Receiver of the Buffalo and Lake Erie Traction Company, and his or its successor or successors, shall not assume any liability for the construction, cost, or maintenance of the approach built outside of the right of way of the said traction company, but that the entire cost of construction and maintenance of such approach outside of the right of way of the traction company shall be borne and paid by said petitioners and such other persons as they may join with them for the purpose of building and maintaining such approach.

Further Ordered: That said petitioners and such other persons as they may join with them for that purpose shall erect and maintain a barrier along the bank of the highway from the boundary line of the right of way of the traction company northerly to the point where the highway is at grade with the adjoining land on the east.

Further Ordered: That the petitioners and those whom they may associate with them for that purpose or for the purpose of building and maintaining said approach shall furnish the Receiver of the traction company, within ten days after the receipt of a copy of this order, proof of the right of the petitioners to construct and maintain the approach to be built by them, whether over private property or in the highway outside of the right of way of said traction company.

Further Ordered: That if said petitioners and such persons as they may join with them for the purpose do not construct, pay for, and maintain the said approach and barrier outside of the right of way of said traction company, then in that event the duty of the Buffalo and Lake Erie Traction Company to stop its cars at said Lake Lane crossing shall forthwith cease until the duty laid upon said petitioners by this order shall have been performed.

Further Ordered: That the petitioners and the Receiver of the Buffalo and Lake Erie Traction Company shall complete the several duties laid upon them by this order within thirty days after the service of a copy of this order upon said Receiver and said petitioners.

Further Ordered: That the petitioners and George Bullock, as Receiver of the Buffalo and Lake Erie Traction Company, shall notify this Commission within ten days after the receipt of this order by them whether the terms of the order are accepted and will be obeyed.

[Case No. 6233]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ALBANY SOUTHERN RAILROAD COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Greenport, Columbia county, an electric plant, and for approval of a franchise therefor received from said town.

Petition filed October 18, 1917; affidavits of publication filed October 25, 1917; hearings held at the office of the Commission in the city of Albany on November 5 and 19, 1917. Appearances: Randall J. LeBoeuf for petitioner; James F. Riley for Red Hook Light, Heat and Power Company, in opposition. This is an application by the Albany Southern Railroad Company for permission to exercise a franchise granted by the municipal authorities of the Town of Greenport, Columbia county, New York, on October 4, 1917. The petitioner and its predecessors have for several years last past been engaged in selling and distributing electric energy for light, heat, and power purposes in the northerly portion of the town of Greenport. In case No. 2872, the Red Hook Light, Heat and Power Company was before the Commission on an application for permission to exercise a franchise granted to it by the Town of Greenport, and the petitioner here was also before the Commission in case No. 2855, seeking permission to exercise a franchise in the same town. The Commission handed down orders in each of these two cases on June 23, 1914, the one in case No. 2855 permitting the Albany Southern Railroad to exercise a franchise granted by the town board of the Town of Greenport on April 3, 1912, in the territory north of the so called Columbia Turnpike; and the other, in case No. 2872, denied the application of the Red Hook Company for permission to exercise a franchise in the town of Greenport as requested in the application, but there was a provision in that order to the effect that if the Red Hook Company should file with the Commission within six months from the date of the order a stipulation consenting to limit the exercise of the franchise to the territory south of the city line of Hudson and the Columbia Turnpike, an order would be made by the Commission permitting the Red Hook Company to exercise its franchise therein. The Red Hook Company has never filed with the Commission such a stipulation, and the Secretary of the Commission so testified at the hearing held on November 19, 1917, so that it now appears that the Red Hook Company has never extended its lines in the town of Greenport under the provisions of the franchise granted by the municipal authorities of that town. That franchise contains a condition requiring the company to supply electricity to the residents on the "Blue Stores Road" as far as the city line of Hudson within two years after the approval of the franchise by the Public Service Commission, and that the franchise is to be void if

electricity is not supplied in accordance with its terms. It is apparent that the Red Hook Company has elected not to exercise the franchise in the town of Greenport because of its failure to make the stipulation as required in the order of the Commission. At the present time its lines extend north from its power plant in the town of Clermont to the hamlet of North Germantown, in the town of Germantown. None of its lines are within three miles of the southern boundary of the town of Greenport at the present time. The general manager of the petitioner testified that there is at present a demand for at least 200 k.w. of electric energy in that portion of the town of Greenport south of the city of Hudson, and that the petitioner is prepared to extend its lines and take care of this business at once. It is very apparent that the Red Hook Company does not propose to extend its lines into that territory, and it is apparent that it can not handle the business as conveniently as the petitioner herein. While the Commission attempted in case No. 2872 to apportion the town of Greenport between the two companies so as to avoid the duplication of lines and the waste incident thereto, yet only one of the companies accepted the determination of the Commission in that case, namely the petitioner herein. Under the circumstances, the Commission is of the opinion that public convenience and necessity require the exercise of the franchise granted to the Albany Southern Railroad Company by the town board of the Town of Greenport on October 4, 1917, and it is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Albany Southern Railroad Company to construct, maintain, and operate an electric plant in the town of Greenport, Columbia county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Greenport on October 4, 1917, subject to all of the terms and conditions therein set forth.

2. This order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 6245]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of COMMUTERS AND OTHERS
ON THE WADING RIVER BRANCH *against* THE LONG
ISLAND RAILROAD COMPANY, asking that train No. 648,
passenger eastbound, stop at Syosset, Coldspring Har-
bor, and Greenlawn stations.

In this matter the company answered that beginning November 7th, train No. 648 would stop at Syosset and Greenlawn stations, but that as the business at Coldspring Harbor is light it was not proposed that the train should stop there; representative of Coldspring Harbor complainants informed the Commission that this was satisfactory, those complainants "having made arrangements to be taken home by jitney bus, after the railroad timetable was changed, and do not now have occasion to use the railroad service". Therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 6250]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of MARTIN A. McNERNEY,
for Josephine McNerney, *against* BINGHAMTON LIGHT,
HEAT AND POWER COMPANY as to failure to furnish
electricity.

In the above matter the company answered: "That this matter has been settled to the satisfaction of the complainant. After going into the situation with them in detail they accepted our standard proposition of advancing the money for the extension, same to be returned to them in accordance with the terms as outlined to you in previous letters." Attorney for complainant indorsed this statement. Therefore it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

[Case No. 6282]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day of
December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the proposed schedule of rates to take
effect January 1, 1918, as filed by the IROQUOIS NATURAL
GAS COMPANY.

The Iroquois Natural Gas Company having on the 30th day of November, 1917, filed with this Commission a proposed new schedule of rates for natural gas furnished to its customers to take effect January 1, 1918, effecting substantial increases in its existing rates; and the Commission being desirous of ascertaining if the proposed rates are reasonable and justified, it is

Ordered: That the Iroquois Natural Gas Company show cause before this Commission at its office, No. 704 Iroquois Building, Buffalo, New York, on the 14th day of December, 1917, at 11 o'clock a. m., whether the proposed schedule of rates filed by said company with this Commission on the 30th day of November, 1917, to be effective January 1, 1918, is just and reasonable, and not unjustly discriminatory or unduly preferential and not in anywise in violation of any provision of law; at which time and place, or at such other time and place to which said hearing may be duly adjourned, this Commission will determine and prescribe the just and reasonable rates and charges to be in force on and after said 1st day of January, 1918, for the service to be furnished by said Iroquois Natural Gas Company.

844 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2072]

STATE OF NEW YORK.

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petitions of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 91 of the Railroad Law as to the elimination of grade crossings of its railroad in the village of Ossining.

Reference is made to the general order of this Commission in case No. 5061 entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered." This Commission having by and under its order duly made and entered in the matter first above entitled under date of October 31, 1911, determined and directed that certain existing grade crossings of the New York Central and Hudson River railroad in the village of Ossining shall be closed and discontinued, and that the highway traffic at the points mentioned shall be diverted to overgrade crossings to be constructed according to certain plans approved by this Commission and under its direction; and incidental to said determination the Commission having by its other order under date of July 7, 1915, provided that from the funds theretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not at that time expended or segregated by this Commission there should then be segregated and set apart to the credit of grade crossing case No. 2072, above entitled, the sum of \$73,500 to meet the State's share of the cost of the elimination in said case. And the completed work under said first mentioned order having been approved by the Commission under its order of January 7, 1916; and it now appearing from the final accounting rendered that the total cost of the work to the State is \$3409.01 in excess of the amount of \$73,500 appropriated, now therefore it is

Ordered: 1. That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission for such purpose (the available balance being approximately the sum of \$362,000), there shall now be segregated and set apart to the credit of grade crossing case No. 2072, above entitled, the additional sum of three thousand four hundred nine dollars and one cent (\$3409.01), to meet the State's share of the cost of the elimination in said case as determined by the final accounting.

[Case No. 2072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petitions of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 91 of the Railroad Law as to the elimination of grade crossings of its railroad in the village of Ossining.

Ordered: 1. That the final accounting entered into by The New York Central Railroad Company with the Village of Ossining and this Commission showing expenditures to the amount of \$350,239.93, including interest to December 1, 1917, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$319,571.89 has been expended by the railroad corporation, this amount being the total sum claimed to have been expended by the railroad, less the sum of \$24,000 determined by the Commission upon the first intermediate accounting to have been improperly included. The sum of \$28,619.76 has been expended by the Village of Ossining, and the sum of \$2048.28 has been expended by the State of New York. Said accounting having been accepted by the railroad corporation as indicated by the signature of its treasurer, and by the Village of Ossining as indicated by the signatures of its president, chairman of the finance committee, and a trustee.

2. Upon the foregoing basis the amounts chargeable to the parties for their respective shares as fixed and provided by statute shall be and the same hereby are determined as follows:

<i>Party</i>	<i>Share 1/4 total cost</i>	<i>Expended</i>	<i>To pay</i>	<i>To receive</i>
Village of Ossining...	\$87,559.98	\$28,619.76	\$58,940.22	.....
State of New York...	87,559.98	2,048.28	85,511.70	.....
	<i>1/2 total cost</i>			
New York Central R.R. Co.	175,119.97	319,571.89	.....	\$144,451.92
	\$350,239.93	\$350,239.93	\$144,451.92	\$144,451.92

On September 21, 1915, the State of New York paid to The New York Central Railroad Company on account of its share of the cost of the elimination project herein as shown by the first intermediate accounting the sum of \$61,704.34. Upon the amount mentioned the State of New York is entitled to receive credit for interest to December 1, 1917, in the sum of \$8124.38. On March 14, 1917, the State paid to The New York Central Railroad Company on account of its share of the cost as shown by the second intermediate accounting the sum of \$11,148.69, upon which amount the State is entitled to receive credit for interest to December 1, 1917, in the sum of \$478.31. The State of New York has expended in connection with this project the sum of \$1699.06, upon which amount it is entitled to receive credit for interest in the sum of \$349.22, making a total credit to which the State of New York is entitled, \$83,504; making as the amount now due and payable to The New York Central Railroad Company by the State of New York the sum of \$4055.98, together amounting to the sum of \$87,559.98; said last mentioned sum being the total amount of the State's share of the total expenditure of \$350,239.93 as aforesaid.

On January 10, 1916, the Village of Ossining paid to The New York Central Railroad Company on account of its share of the cost of the elimination project the sum of \$40,000. Upon the amount mentioned the Village of Ossining is entitled to receive credit for interest in the sum of \$4541.93. The Village of Ossining has expended, with interest, the sum of \$28,619.76, making

as a total credit to which the Village of Ossining is entitled \$73,161.69, leaving as the amount now due and payable by said village to The New York Central Railroad Company the sum of \$14,398.29, together amounting to the sum of \$87,559.98.

4. There is now due and payable to The New York Central Railroad Company by the State of New York as the balance of its one-quarter share of all expenditures made for account of this proceeding the sum of four thousand fifty-five dollars and ninety-eight cents (\$4055.98); and there is now due and payable to The New York Central Railway Company by the Village of Ossining as the balance of its one-quarter share of all expenditures as properly made for account of this proceeding the sum of fourteen thousand three hundred ninety-eight dollars and twenty-nine cents (\$14,398.29).

[Case No. 2476]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition under section 91 of the Railroad Law of the MAYOR AND COMMON COUNCIL OF THE CITY OF CORNING as to the elimination of the First Street and Columbia Street grade crossings of the Erie railroad in said city.

Ordered: 1. That a second intermediate accounting entered into by the Erie Railroad Company with the City of Corning, showing expenditures to the amount of \$105,959.74, including interest, to May 1, 1917, properly and necessarily incurred in carrying out the Commission's orders in the above entitled matter, be and the same is hereby approved; of which said amount the sum of \$39,622.41 has been expended by the railroad corporation, the sum of \$16,227.20 has been expended by the City of Corning, and the sum of \$110.13 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its Comptroller, and by the City of Corning as indicated by the signature of its mayor.

2. That the amounts chargeable to the parties for their respective shares as fixed and provided by the statute shall be and the same are hereby determined as follows:

<i>Party</i>	<i>Proportion</i>	<i>Expended</i>	<i>To pay</i>	<i>To receive</i>
Erie Railroad Co.....	$\frac{1}{2}$ of total cost \$52,979.86	\$39,622.41	.....	\$36,642.55
City of Corning.....	$\frac{1}{4}$ of total cost 26,489.94	16,227.20	\$10,262.74	.....
State of New York....	$\frac{1}{4}$ of total cost 26,489.94	110.13	26,379.81	.....
	\$105,959.74	\$105,959.74	\$36,642.55	\$36,642.55

3. On March 7, 1916, the State of New York paid to the Erie Railroad Company on account of its share of the cost of the elimination project herein (the amount having been heretofore determined in an intermediate accounting), the sum of \$21,700.68. Upon the amount mentioned the State of New York is entitled to receive credit for interest to May 1, 1917, in the sum of \$1497. The State of New York has expended in connection with this work the sum of \$110.13, making as a total credit to which the State is entitled the sum of \$23,307.81: leaving as the amount now due and payable to the Erie Railroad Company by the State of New York on this accounting the sum of

\$3182.13, together amounting to the sum of \$26,489.94, said last mentioned sum being the net amount of the State's share of the expenditure of \$105,959.74 as aforesaid.

4. On June 21, 1917, the City of Corning paid to the Erie Railroad Company the sum of \$11,798.29. The City of Corning has expended in connection with the project a sum of \$16,227.20, making a total credit to which the city is entitled the sum of \$28,025.49: making an amount now due and payable by the Erie Railroad Company to the City of Corning \$1535.55: \$26,489.94, said last mentioned amount of \$26,489.94 being the net amount of the city's share of the total expenditure of \$105,959.74.

5. There is now due and payable to the Erie Railroad Company by the State of New York, as the balance of its one-quarter share of all expenditures which have thus far been determined as properly made for account of this proceeding, the sum of three thousand one hundred eighty-two dollars and thirteen cents (\$3182.13); and there is now due and payable by the Erie Railroad Company to the City of Corning on expenditures which have been thus far determined as properly made for account of this proceeding the sum of one thousand five hundred thirty-five dollars and fifty-five cents (\$1535.55).

[Case No. 5928]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the INTERNATIONAL RAILWAY COMPANY under section 53 of the Public Service Commissions Law for permission to construct in the city of Buffalo a double-track extension of its street surface railway in Franklin street, from Chippewa street to Allen street; and for approval of the exercise of a franchise therefor received from the city.

Methodist Episcopal Union of Buffalo, Mary L. Stockton, Hannah M. Bryant, Emma C. Martin, George Cary, Annie E. Burrows, F. Park Lewis, Nellie F. Clark, Alice M. Fargo, Elizabeth A. Hopkins, and DeLancey Rochester having duly filed with this Commission a petition asking for a rehearing of the matters and things set forth in the above entitled petition, and due consideration having been had of said application, it is

Ordered: That the motion for rehearing in the above proceeding be and the same is hereby denied.

[Case No. 6082]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of December, 1917.**Present:**SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.In the matter of the Petition of THE GLEN COVE RAILROAD
COMPANY under subdivision 1 section 49 of the Public
Service Commissions Law for permission to increase
passenger fares.

Petition filed June 25, 1917; hearing held in the city of Albany on August 29, 1917. Appearances: Joseph F. Keany for the applicant; no one in opposition. This is an application by the petitioner for permission to charge a fare of six cents within the limits of the incorporated village of Glen Cove, notwithstanding the provisions of section 181 of the Railroad Law and certain restrictions in franchises under which the company is now operating. The road is 3.28 miles long, and extends from the Sea Cliff station of The Long Island Railroad Company to the Glen Cove station of that company; and from that point it runs through the village of Glen Cove, terminating at the steamboat dock at Hempstead Harbor. Its authorized issue of capital stock is \$50,000, of which \$10,000 is now outstanding, all owned by The Long Island Railroad Company. There is no funded debt. The company was incorporated in 1902. In the franchises granted to the corporation by the board of supervisors of Nassau County on August 10, 1903, and by the commissioners of highways of the Town of Oyster Bay on October 3, 1904, and March 31, 1905, pursuant to which the road was constructed, there are provisions that the company shall not charge more than five cents for a continuous passage over its line. The Commission has heretofore decided that it has the power under section 181 of the Railroad Law to permit an increase in the rate of fare charged by a street railroad within the limits of an incorporated city or village, and that it has the power to authorize such an increase notwithstanding there may be a provision in a franchise granted by a municipality purporting to limit the fare to five cents. We will therefore proceed to consider the present case on its merits. The following figures are taken from the petitioner's exhibit No. 3:

Income and Profit and Loss Statement.

	1910	1911	1912	1913	1914	1915	1916
	<i>Dolls.</i>	<i>Dolls.</i>	<i>Dolls.</i>	<i>Dolls.</i>	<i>Dolls.</i>	<i>Dolls.</i>	<i>Dolls.</i>
Passenger revenue...	22,691	24,602	26,100	26,770	27,744	23,523	23,565
Non-transportation revenue.....	129	129	129	131	132	858	822
Total operating revenue.....	22,830	24,731	26,239	26,901	27,876	24,381	24,387
Operating expenses...	17,297	18,472	19,479	17,765	18,149	24,711	18,761
Net operating revenue	5,533	6,258	6,760	9,137	9,727	—330	5,626
Taxes accrued.....	1,495	1,049	493	6,929	7,863	4,672	2,175
Total operating income.....	4,037	5,209	6,267	2,208	1,864	—5,001	3,450
Other interest deductions.....	.....	.....	.....	.....	.....	6,721	.....
Rentals .....	.....	.....	.....	.....	.....	680	881
Net operating income	4,037	5,209	6,267	2,208	1,864	—12,403	2,569

Balance Sheet.

<i>Assets:</i>	<i>Dolls.</i>	<i>Dolls.</i>	<i>Dolls.</i>	<i>Doll's.</i>	<i>Dolls.</i>	<i>Dolls.</i>	<i>Dolls.</i>
Cash.....	17,575	25,761	9,459	5,216	13,064	2,294	1,783
Other corporate assets	141	131	299	414	336	255	382
Miscellaneous invest- ments.....	.....	.....	.....	.....	.....	.....	5,130
Electric railroad fixed capital.....	157,105	157,105	157,347	157,506	158,229	158,229	158,256
Miscellaneous tem- porary debits.....	.....	.....	.....	5,169	273	.....	.....
	174,821	182,997	167,105	168,306	171,903	160,778	165,552
<i>Liabilities:</i>							
Unfunded debt.....	159,059	159,151	133,894	133,697	134,420	136,045	135,759
Accrued amortization of capital.....	700	3,573	6,668	5,858	6,867	6,520	8,990
Capital stock.....	10,000	10,000	10,000	10,000	10,000	10,000	10,000
Corporate stock.....	5,062	10,273	16,543	18,751	20,615	8,213	10,802
	174,821	182,997	167,105	168,306	171,903	160,778	165,552

Variations in totals due to elimination of cents.

It will be noted that there were some heavy tax accruals in the years 1913 to 1916 inclusive. It appears that this is principally due to some adjustments made by the corporation relative to its town and county gross earnings tax which had been accumulating since the road was built but for which no provision had been made prior to 1913. An examination of the income account of the corporation indicates that there is only a small amount available from earnings each year to provide a return on the invested capital, and that while the company has a surplus, yet this is due to the fact principally that the corporation has paid no interest on its floating debt except in one year apparently and it has no fixed charges. No dividends have been paid on the stock, which is merely nominal when considered in connection with the amount of the property investment. The only witness introduced on behalf of the petitioner was Mr. Addison, its vice-president. He has been familiar with the road and its operations for the past ten or twelve years. He testified that he made an examination of the road as an engineer for the purpose of ascertaining what it probably cost to build and equip it as of 1904 or 1905, and that in his opinion the cost at that time was at least \$132,188, not including right of way or snow sweeper. He stated that it would cost at least 50 per cent in excess of this amount to reproduce the property now. As against this the cost of road and equipment stands on the books at \$158,256 as of June 30, 1916. The book figures may and probably do include other capital expenditures made by the company which are not included in the estimate made by Mr. Addison. It is not necessary to give any particular consideration to this difference, because if it is assumed for the purposes of this case that the value of the property is only \$132,000, the company is not earning a reasonable return on that amount. A considerable portion of the road is laid in paved streets with 70-lb., 107-lb., and 137-lb. rail; and it also has a brick transformer station. The road is operated electrically, and its overhead construction is of the catenary type. The road and equipment are well maintained. The earnings of the company are insufficient to enable it to set up a substantial reserve for depreciation. The results of the company's operations for the calendar year of 1916 were substantially the same as for the year ending June 30, 1916. In one of the franchises of the company there is a requirement that children shall be carried between 8 a. m. and 4 p. m. for half fare, at the rate of two tickets for five cents. The practice of selling tickets on this road for the use of children at half the regular fare for adults should probably be continued until good cause is shown for its discontinuance.

The evidence in this case and the reports of the company on file with the Commission substantiate the allegation made by the petitioner that the maximum rate of fare of five cents now charged by it for transportation between its termini, which includes the village of Glen Cove, is unjust and unreasonable and is insufficient to yield reasonable compensation for the

office of the Commission in the city of Buffalo on the 2nd day of November, 1917, at which time W. T. Bushman, esq., represented the complainants; and Lyman M. Bass, esq., represented the respondents; and thereafter a conference having been held between the interested parties, at which conference the petitioners and their attorney, W. T. Bushman, esq., were present, and the respondent was represented by A. R. Myers, esq., assistant to the receiver, and by Lyman M. Bass, esq., his attorney; and this Commission was represented by Charles R. Barnes, esq.; and a certain stipulation having been made at said conference which was satisfactory to the interested parties; and this Commission having determined from the evidence that the station demanded in the petition should reasonably be built in order to promote the convenience of the public, and that the terms of said stipulation should be carried out; now, therefore,

Ordered: That George Bullock, as Receiver of the Buffalo and Lake Erie Traction Company, be and he is hereby ordered and directed to erect and maintain a shelter station at a point approximately one hundred fifty feet east of the Lake Lane crossing, so called, in the town of Hamburg, Erie county, New York, on the private right of way of the Buffalo and Lake Erie Traction Company, on the northerly side of the tracks of said company, and shall build and maintain a proper approach over the private property of said company on the north side of the right of way of said company from said shelter station to the boundary of the company's property. All passenger trains moving over the tracks of said company in either direction and passing said station shall stop thereat, except limited or business men's trains; trains shall stop upon signal or upon request of passengers who may desire to alight at said station.

Further Ordered: That this order is made upon the agreement and understanding that Clarence Kuenn, Fred Kuenn, and John P. Berns, petitioners in this proceeding, and such other persons as they may associate with them for such purpose, shall construct and maintain a proper approach from the highway at a convenient point approximately one hundred fifty feet north of the right of way of said company to the boundary of the right of way of said company at a point where it will join the approach built by the respondent.

Further Ordered: That the Receiver of the Buffalo and Lake Erie Traction Company, and his or its successor or successors, shall not assume any liability for the construction, cost, or maintenance of the approach built outside of the right of way of the said traction company, but that the entire cost of construction and maintenance of such approach outside of the right of way of the traction company shall be borne and paid by said petitioners and such other persons as they may join with them for the purpose of building and maintaining such approach.

Further Ordered: That said petitioners and such other persons as they may join with them for that purpose shall erect and maintain a barrier along the bank of the highway from the boundary line of the right of way of the traction company northerly to the point where the highway is at grade with the adjoining land on the east.

Further Ordered: That the petitioners and those whom they may associate with them for that purpose or for the purpose of building and maintaining said approach shall furnish the Receiver of the traction company, within ten days after the receipt of a copy of this order, proof of the right of the petitioners to construct and maintain the approach to be built by them, whether over private property or in the highway outside of the right of way of said traction company.

Further Ordered: That if said petitioners and such persons as they may join with them for the purpose do not construct, pay for, and maintain the said approach and barrier outside of the right of way of said traction company, then in that event the duty of the Buffalo and Lake Erie Traction Company to stop its cars at said Lake Lane crossing shall forthwith cease until the duty laid upon said petitioners by this order shall have been performed.

Further Ordered: That the petitioners and the Receiver of the Buffalo and Lake Erie Traction Company shall complete the several duties laid upon them by this order within thirty days after the service of a copy of this order upon said Receiver and said petitioners.

Further Ordered: That the petitioners and George Bullock, as Receiver of the Buffalo and Lake Erie Traction Company, shall notify this Commission within ten days after the receipt of this order by them whether the terms of the order are accepted and will be obeyed.

[Case No. 6233]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ALBANY SOUTHERN RAILROAD COMPANY under section 68 of the Public Service Commissions Law for permission to construct in the town of Greenport, Columbia county, an electric plant, and for approval of a franchise therefor received from said town.

Petition filed October 18, 1917; affidavits of publication filed October 25, 1917; hearings held at the office of the Commission in the city of Albany on November 5 and 19, 1917. Appearances: Randall J. LeBoeuf for petitioner; James F. Riley for Red Hook Light, Heat and Power Company, in opposition. This is an application by the Albany Southern Railroad Company for permission to exercise a franchise granted by the municipal authorities of the Town of Greenport, Columbia county, New York, on October 4, 1917. The petitioner and its predecessors have for several years last past been engaged in selling and distributing electric energy for light, heat, and power purposes in the northerly portion of the town of Greenport. In case No. 2872, the Red Hook Light, Heat and Power Company was before the Commission on an application for permission to exercise a franchise granted to it by the Town of Greenport, and the petitioner here was also before the Commission in case No. 2855, seeking permission to exercise a franchise in the same town. The Commission handed down orders in each of these two cases on June 23, 1914, the one in case No. 2855 permitting the Albany Southern Railroad to exercise a franchise granted by the town board of the Town of Greenport on April 3, 1912, in the territory north of the so called Columbia Turnpike; and the other, in case No. 2872, denied the application of the Red Hook Company for permission to exercise a franchise in the town of Greenport as requested in the application, but there was a provision in that order to the effect that if the Red Hook Company should file with the Commission within six months from the date of the order a stipulation consenting to limit the exercise of the franchise to the territory south of the city line of Hudson and the Columbia Turnpike, an order would be made by the Commission permitting the Red Hook Company to exercise its franchise therein. The Red Hook Company has never filed with the Commission such a stipulation, and the Secretary of the Commission so testified at the hearing held on November 19, 1917, so that it now appears that the Red Hook Company has never extended its lines in the town of Greenport under the provisions of the franchise granted by the municipal authorities of that town. That franchise contains a condition requiring the company to supply electricity to the residents on the "Blue Stores Road" as far as the city line of Hudson within two years after the approval of the franchise by the Public Service Commission, and that the franchise is to be void if

electricity is not supplied in accordance with its terms. It is apparent that the Red Hook Company has elected not to exercise the franchise in the town of Greenport because of its failure to make the stipulation as required in the order of the Commission. At the present time its lines extend north from its power plant in the town of Clermont to the hamlet of North Germantown, in the town of Germantown. None of its lines are within three miles of the southern boundary of the town of Greenport at the present time. The general manager of the petitioner testified that there is at present a demand for at least 200 k.w. of electric energy in that portion of the town of Greenport south of the city of Hudson, and that the petitioner is prepared to extend its lines and take care of this business at once. It is very apparent that the Red Hook Company does not propose to extend its lines into that territory, and it is apparent that it can not handle the business as conveniently as the petitioner herein. While the Commission attempted in case No. 2872 to apportion the town of Greenport between the two companies so as to avoid the duplication of lines and the waste incident thereto, yet only one of the companies accepted the determination of the Commission in that case, namely the petitioner herein. Under the circumstances, the Commission is of the opinion that public convenience and necessity require the exercise of the franchise granted to the Albany Southern Railroad Company by the town board of the Town of Greenport on October 4, 1917, and it is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law the permission and approval of this Commission be and they hereby are given to the Albany Southern Railroad Company to construct, maintain, and operate an electric plant in the town of Greenport, Columbia county, New York, together with all transmission and distribution lines required for use in connection therewith, and to the exercise by it of the franchise granted to it by the town board of the Town of Greenport on October 4, 1917, subject to all of the terms and conditions therein set forth.

2. This order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

[Case No. 6245]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second District, held in the city of Albany on the 6th day of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,

Commissioners.

In the matter of the Complaint of COMMUTERS AND OTHERS
ON THE WADING RIVER BRANCH *against* THE LONG
ISLAND RAILROAD COMPANY, asking that train No. 648,
passenger eastbound, stop at Syosset, Coldspring Har-
bor, and Greenlawn stations.

In this matter the company answered that beginning November 7th, train No. 648 would stop at Syosset and Greenlawn stations, but that as the business at Coldspring Harbor is light it was not proposed that the train should stop there; representative of Coldspring Harbor complainants informed the Commission that this was satisfactory, those complainants "having made arrangements to be taken home by jitney bus, after the railroad timetable was changed, and do not now have occasion to use the railroad service". Therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 6250]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day
of December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of MARTIN A. MCNERNEY,
for Josephine McNerney, *against* BINGHAMTON LIGHT,
HEAT AND POWER COMPANY as to failure to furnish
electricity.

In the above matter the company answered: "That this matter has been settled to the satisfaction of the complainant. After going into the situation with them in detail they accepted our standard proposition of advancing the money for the extension, same to be returned to them in accordance with the terms as outlined to you in previous letters." Attorney for complainant indorsed this statement. Therefore it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

[Case No. 6282]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 6th day of
December, 1917.

Present:

FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the proposed schedule of rates to take
effect January 1, 1918, as filed by the IROQUOIS NATURAL
GAS COMPANY.

The Iroquois Natural Gas Company having on the 30th day of November, 1917, filed with this Commission a proposed new schedule of rates for natural gas furnished to its customers to take effect January 1, 1918, effecting substantial increases in its existing rates; and the Commission being desirous of ascertaining if the proposed rates are reasonable and justified, it is

Ordered: That the Iroquois Natural Gas Company show cause before this Commission at its office, No. 704 Iroquois Building, Buffalo, New York, on the 14th day of December, 1917, at 11 o'clock a. m., whether the proposed schedule of rates filed by said company with this Commission on the 30th day of November, 1917, to be effective January 1, 1918, is just and reasonable, and not unjustly discriminatory or unduly preferential and not in anywise in violation of any provision of law; at which time and place, or at such other time and place to which said hearing may be duly adjourned, this Commission will determine and prescribe the just and reasonable rates and charges to be in force on and after said 1st day of January, 1918, for the service to be furnished by said Iroquois Natural Gas Company.

344 PUBLIC SERVICE COMMISSION, SECOND DISTRICT

[Case No. 2072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petitions of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 91 of the Railroad Law as to the elimination of grade crossings of its railroad in the village of Ossining.

Reference is made to the general order of this Commission in case No. 5061 entitled "In the matter of setting apart and appropriating various sums of money to meet the share of the State of New York in the cost of eliminating certain grade crossings now under construction, under orders of this Commission heretofore made and entered." This Commission having by and under its order duly made and entered in the matter first above entitled under date of October 31, 1911, determined and directed that certain existing grade crossings of the New York Central and Hudson River railroad in the village of Ossining shall be closed and discontinued, and that the highway traffic at the points mentioned shall be diverted to overgrade crossings to be constructed according to certain plans approved by this Commission and under its direction; and incidental to said determination the Commission having by its other order under date of July 7, 1915, provided that from the funds theretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not at that time expended or segregated by this Commission there should then be segregated and set apart to the credit of grade crossing case No. 2072, above entitled, the sum of \$73,500 to meet the State's share of the cost of the elimination in said case. And the completed work under said first mentioned order having been approved by the Commission under its order of January 7, 1916; and it now appearing from the final accounting rendered that the total cost of the work to the State is \$3409.01 in excess of the amount of \$73,500 appropriated, now therefore it is

Ordered: 1. That from the funds heretofore appropriated by the Legislature to meet the share of the State in the cost of the elimination of grade crossings and not thus far either expended or expressly segregated and set apart by this Commission for such purpose (the available balance being approximately the sum of \$362,000), there shall now be segregated and set apart to the credit of grade crossing case No. 2072, above entitled, the additional sum of three thousand four hundred nine dollars and one cent (\$3409.01), to meet the State's share of the cost of the elimination in said case as determined by the final accounting.

[Case No. 2072]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petitions of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 91 of the Railroad Law as to the elimination of grade crossings of its railroad in the village of Ossining.

Ordered: 1. That the final accounting entered into by The New York Central Railroad Company with the Village of Ossining and this Commission showing expenditures to the amount of \$350,239.93, including interest to December 1, 1917, properly and necessarily incurred in carrying out the Commission's order in the above entitled matter, be and it is hereby approved; of which said amount the sum of \$319,571.89 has been expended by the railroad corporation, this amount being the total sum claimed to have been expended by the railroad, less the sum of \$24,000 determined by the Commission upon the first intermediate accounting to have been improperly included. The sum of \$28,619.76 has been expended by the Village of Ossining, and the sum of \$2048.28 has been expended by the State of New York. Said accounting having been accepted by the railroad corporation as indicated by the signature of its treasurer, and by the Village of Ossining as indicated by the signatures of its president, chairman of the finance committee, and a trustee.

2. Upon the foregoing basis the amounts chargeable to the parties for their respective shares as fixed and provided by statute shall be and the same hereby are determined as follows:

<i>Party</i>	<i>Share</i>	<i>Expended</i>	<i>To pay</i>	<i>To receive</i>
Village of Ossining...	$\frac{1}{4}$ total cost \$87,559.98	\$28,619.76	\$58,940.22	.....
State of New York...	$\frac{1}{4}$ total cost 87,559.98	2,048.28	85,511.70	.....
New York Central R.R. Co.	$\frac{1}{2}$ total cost 175,119.97	319,571.89	.....	\$144,451.92
	\$350,239.93	\$350,239.93	\$144,451.92	\$144,451.92

On September 21, 1915, the State of New York paid to The New York Central Railroad Company on account of its share of the cost of the elimination project herein as shown by the first intermediate accounting the sum of \$61,704.34. Upon the amount mentioned the State of New York is entitled to receive credit for interest to December 1, 1917, in the sum of \$8124.38. On March 14, 1917, the State paid to The New York Central Railroad Company on account of its share of the cost as shown by the second intermediate accounting the sum of \$11,148.69, upon which amount the State is entitled to receive credit for interest to December 1, 1917, in the sum of \$478.31. The State of New York has expended in connection with this project the sum of \$1699.06, upon which amount it is entitled to receive credit for interest in the sum of \$349.22, making a total credit to which the State of New York is entitled, \$83,504; making as the amount now due and payable to The New York Central Railroad Company by the State of New York the sum of \$4055.98, together amounting to the sum of \$87,559.98; said last mentioned sum being the total amount of the State's share of the total expenditure of \$350,239.93 as aforesaid.

On January 10, 1916, the Village of Ossining paid to The New York Central Railroad Company on account of its share of the cost of the elimination project the sum of \$40,000. Upon the amount mentioned the Village of Ossining is entitled to receive credit for interest in the sum of \$4541.93. The Village of Ossining has expended, with interest, the sum of \$28,619.76, making

as a total credit to which the Village of Ossining is entitled \$73,161.69, leaving as the amount now due and payable by said village to The New York Central Railroad Company the sum of \$14,398.29, together amounting to the sum of \$87,559.98.

4. There is now due and payable to The New York Central Railroad Company by the State of New York as the balance of its one-quarter share of all expenditures made for account of this proceeding the sum of four thousand fifty-five dollars and ninety-eight cents (\$4055.98); and there is now due and payable to The New York Central Railway Company by the Village of Ossining as the balance of its one-quarter share of all expenditures as properly made for account of this proceeding the sum of fourteen thousand three hundred ninety-eight dollars and twenty-nine cents (\$14,398.29).

[Case No. 2476]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 11th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition under section 91 of the Railroad Law of the MAYOR AND COMMON COUNCIL OF THE CITY OF CORNING as to the elimination of the First Street and Columbia Street grade crossings of the Erie railroad in said city.

Ordered: 1. That a second intermediate accounting entered into by the Erie Railroad Company with the City of Corning, showing expenditures to the amount of \$105,959.74, including interest, to May 1, 1917, properly and necessarily incurred in carrying out the Commission's orders in the above entitled matter, be and the same is hereby approved; of which said amount the sum of \$89,622.41 has been expended by the railroad corporation, the sum of \$16,227.20 has been expended by the City of Corning, and the sum of \$110.13 has been expended by the State of New York; said accounting having been accepted by the railroad corporation as indicated by the signature of its Comptroller, and by the City of Corning as indicated by the signature of its mayor.

2. That the amounts chargeable to the parties for their respective shares as fixed and provided by the statute shall be and the same are hereby determined as follows:

<i>Party</i>	<i>Proportion</i>	<i>Expended</i>	<i>To pay</i>	<i>To receive</i>
Erie Railroad Co.....	$\frac{1}{2}$ of total cost \$52,979.86	\$89,622.41	.....	\$36,642.55
City of Corning.....	$\frac{1}{4}$ of total cost 26,489.94	16,227.20	\$10,262.74	.....
State of New York....	$\frac{1}{4}$ of total cost 26,489.94	110.13	26,379.81	.....
	\$105,959.74	\$105,959.74	\$36,642.55	\$36,642.55

3. On March 7, 1916, the State of New York paid to the Erie Railroad Company on account of its share of the cost of the elimination project herein (the amount having been heretofore determined in an intermediate accounting), the sum of \$21,700.68. Upon the amount mentioned the State of New York is entitled to receive credit for interest to May 1, 1917, in the sum of \$1497. The State of New York has expended in connection with this work the sum of \$110.13, making as a total credit to which the State is entitled the sum of \$23,307.81: leaving as the amount now due and payable to the Erie Railroad Company by the State of New York on this accounting the sum of

\$3182.13, together amounting to the sum of \$26,489.94, said last mentioned sum being the net amount of the State's share of the expenditure of \$105,959.74 as aforesaid.

4. On June 21, 1917, the City of Corning paid to the Erie Railroad Company the sum of \$11,798.29. The City of Corning has expended in connection with the project a sum of \$16,227.20, making a total credit to which the city is entitled the sum of \$28,025.49: making an amount now due and payable by the Erie Railroad Company to the City of Corning \$1535.55: \$26,489.94, said last mentioned amount of \$26,489.94 being the net amount of the city's share of the total expenditure of \$105,959.74.

5. There is now due and payable to the Erie Railroad Company by the State of New York, as the balance of its one-quarter share of all expenditures which have thus far been determined as properly made for account of this proceeding, the sum of three thousand one hundred eighty-two dollars and thirteen cents (\$3182.13); and there is now due and payable by the Erie Railroad Company to the City of Corning on expenditures which have been thus far determined as properly made for account of this proceeding the sum of one thousand five hundred thirty-five dollars and fifty-five cents (\$1535.55).

[Case No. 5928]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 11th day
of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the INTERNATIONAL RAILWAY COMPANY under section 53 of the Public Service Commissions Law for permission to construct in the city of Buffalo a double-track extension of its street surface railway in Franklin street, from Chippewa street to Allen street; and for approval of the exercise of a franchise therefor received from the city.

Methodist Episcopal Union of Buffalo, Mary L. Stockton, Hannah M. Bryant, Emma C. Martin, George Cary, Annie E. Burrows, F. Park Lewis, Nellie F. Clark, Alice M. Fargo, Elizabeth A. Hopkins, and DeLancey Rochester having duly filed with this Commission a petition asking for a rehearing of the matters and things set forth in the above entitled petition, and due consideration having been had of said application, it is

Ordered: That the motion for rehearing in the above proceeding be and the same is hereby denied.

and Railroad Company furnishes all car equipment required for use on the Putnam and Westchester Traction Company, also power at 2½¢ per kw. h. and the Putnam and Westchester Traction Company pays its proportion of other general operating expenses on a car-mile basis; the Putnam and Westchester Traction Company pays all the other expenses incident to the repair and up-keep of its property plus a certain amount per car per month for depreciation on the equipment furnished by the Peekskill Lighting and Railroad Company. The following exhibits introduced in evidence by the petitioner show the results of the company's operations over a period of years and its financial condition as of December 31, 1916:

Putnam and Westchester Traction Company, Exhibit F. Condensed Summary. Total Earnings and Expenses, Five Years' Operations, June 30, 1912, to June 30, 1916.

	1912	1913	1914	1915	1916
Earnings and expenses:	<i>Dolls.</i>	<i>Dolls.</i>	<i>Dolls.</i>	<i>Dolls.</i>	<i>Dolls.</i>
Total revenue	21,066.65	15,412.00	12,359.22	9,926.52	9,373.24
Total operating expenses, including taxes	12,883.11	11,073.57	10,698.96	8,892.42	8,348.16
Net income	8,183.54	4,338.43	1,660.26	1,034.10	1,025.08
Total deductions	4,019.59	3,926.43	3,961.86	3,998.72	3,999.17
Corporate income	4,163.95	412.00	2,301.60	2,964.62	2,974.09
Per revenue car-mile operated:					
Total revenue .....	.2536	.2019	.1729	.1519	.1575
Total operating expenses, including taxes .....	.1551	.1451	.1497	.1361	.1403
Net income .....	.0985	.0568	.0232	.0158	.0172
Total deductions .....	.0484	.0514	.0554	.0612	.0672
Net corporate income .....	.0501	.0054	.0322	.0454	.0500
Revenue car-miles:					
Number of passenger car-miles	71,905	73,729	70,993	64,733	58,982
Number of chartered car-miles	84	20	56	87	61
Number of freight car-miles	11,062	2,573	429	531	444
Total	83,051	76,322	71,478	65,351	59,487

Putnam and Westchester Traction Company, Exhibit M, Balance Sheet Year Ended December 31, 1916.

Assets:	
Electric railroad fixed capital	\$147,919.87
Cash	980.70
Accounts receivable	400.41
Unamortized debt discount and expense	966.54
Miscellaneous deficit	1,355.55
Corporate deficit	12,787.65
	\$164,410.72
Liabilities:	
Capital stock	\$75,000.00
Funded debt	71,000.00
Interest on funded debt, matured	7,550.00
Bills payable	5,450.00
Accounts payable	7,081.90
Accrued amortization of capital	1,671.18
	\$164,410.72

The petitioner alleges that if it is unable to obtain additional revenue it will be obliged to discontinue its operations. The figures in the above exhibits would seem to indicate that there is no real justification for the continuance of the road as a separate entity but it would probably be very inconvenient to many people if its operation were discontinued, and probably those using the road would be willing to pay a slight increase in fare in order to have the benefit of such convenience as this road may afford. The company has in the past carried passengers on transfers from the Peekskill Lighting and Railroad Company for which no revenue has been received. The number carried in each of the preceding five years, together with the revenue the petitioner would have received therefrom on a five cent fare basis, is as follows:

Putnam and Westchester Traction Company, Exhibit H, Transfers and Ticket Passes Collected, Issued by Peekskill Lighting and Railroad Company, Showing Amount at Present Rate of Fare if Converted to Revenue Passengers, Five Years June 30, 1912, to June 30, 1916.

Transfers:

	<i>Number collected</i>	<i>Revenue at 5c per transfer</i>
Year 1912	58,671	\$2,938.55
Year 1913	47,130	2,356.50
Year 1914	47,048	2,352.40
Year 1915	40,347	2,017.35
Year 1916	38,793	1,939.65

Ticket Passes:

	<i>Number collected</i>	<i>Revenue at 5c per passenger</i>
Year 1912	5,983	\$299.15
Year 1913	4,806	240.30
Year 1914	7,304	365.20
Year 1915	7,841	392.05
Year 1916	7,610	380.50

It will be observed that the number of transfer passengers has been steadily decreasing each year. The same is true of the earnings of the company. Even assuming that each of the transfers paid a full five cent fare for passage over the lines of the petitioner, this would not be sufficient to overcome the present yearly deficit. The company had a profitable freight business at the time the Catskill Aqueduct was under construction but this source of revenue no longer exists, and the sole income of the corporation is derived from the transportation of passengers. During the year ending December 31, 1916, there was no substantial improvement in the earnings of the company or the amount available for a return on its investment. While it may be that the discontinuance of the existing transfer arrangement in the village of Peekskill would work hardship on some of those who now make use of it, yet it probably should be modified or eliminated altogether if this will insure the continued operation of the road. It is estimated that the discontinuance of transfers in the village and the proposed increase in the rates of fare therein will produce additional revenue of about \$3750 per annum. However, this will not enable the company to meet the interest on its outstanding bonds which aggregate \$71,000, of which \$11,000 were issued pursuant to authority from this Commission and \$60,000 by its predecessor, the Railroad Commission, all issued for construction purposes. In addition to this, there is \$75,000 of stock which the company reports as having been issued for cash and property. It is a fact that this company has certain street railroad property employed in the public service, and it appears from the exhibits presented that it is not earning a reasonable return upon a property value equal to one-half the amount of its bonds. It is unnecessary for the Commission at this time to make an exhaustive examination as to the actual value of the property of the corporation employed in the public service because the proposed increase in fare will not give a return beyond that to which the corporation is entitled.

The village authorities oppose any increase in fare claiming that under the franchise granted by the village in 1906 the company is prohibited from charging more than a five cent fare in the village. The paragraph of the franchise in relation to this fare merely reiterates the words in section 181 of the Railroad Law. We decided in the Huntington case that this Commission has the power to permit a company to increase its fare notwithstanding such a franchise restriction and that determination is controlling in this case. We are of the opinion that the rate of fare now charged by the Putnam and Westchester Traction Company is unjust and unreasonable and insufficient to provide a fair return upon the value of its property in the public service, and do hereby determine that the just and reasonable rates of fare to be charged by said corporation between any two points in its so called first zone, extending from the village of Peekskill to Williams Mills, shall be a cash fare of seven cents, or four tickets for twenty-five cents, without transfers in the village, as hereinafter provided; and it is therefore

Ordered: That at such time as the petitioner herein and the Peekskill Lighting and Railroad Company shall cancel the provisions of the contract now existing between them so far as the same relates to transfers for use in

the village of Peekskill, the said Putnam and Westchester Traction Company be and it hereby is authorized to increase its maximum rate of fare in its first zone, extending from the village of Peekskill to Williams Mills, from five cents to seven cents, with a reduced rate of four tickets for twenty-five cents, upon five days' notice to the public and the Commission; provided, however, that such increased rate shall not be put into force until the company has a sufficient supply of tickets available for the use of the public. The tariff effecting the aforesaid increases shall be filed in accordance with the provisions of section 28 of the Public Service Commissions Law, and shall bear the following notation: "Issued on five days' notice to the public and the Commission, under order of the Public Service Commission, Second District, State of New York, of date December 12, 1917, in case No. 6096." This determination and order may be reopened at any time if and when it may appear to the Commission that the controlling reasons for allowing an increase of fares in excess of those which otherwise would legally obtain no longer exist.

Chairman Van Santvoord voted No on this order.

[Case No. 6135]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the ORANGE AND ROCKLAND ELECTRIC COMPANY under section 69 of the Public Service Commissions Law for authority to issue preferred stock, or preferred stock and mortgage bonds.

Supplemental
and
amendatory
order.

Petition filed July 18, 1917; report of division of light, heat, and power dated July 24, 1917; report of division of capitalization dated July 24, 1917; order entered July 26, 1917; supplemental order dated September 19, 1917; supplemental petition filed December 11, 1917; report of division of capitalization dated December 11, 1917. Now therefore, upon the foregoing record:

Ordered as follows: 1. That the order herein dated July 26, 1917, is hereby modified and amended in such manner as to permit the Orange and Rockland Electric Company to issue \$25,000 face amount of its 5 per cent 20-year first and refunding mortgage bonds in lieu of that amount of 7 per cent cumulative preferred capital stock, out of a total of \$163,500 par value of such 7 per cent cumulative preferred capital stock authorized therein.

2. That the Orange and Rockland Electric Company is hereby authorized to pledge the bonds herein authorized to be issued for any of its loans provided that the following prohibitions are observed: (a) that the principal of such loans for which said bonds are pledged shall in no event be less than 80 per cent of the face value of the bonds pledged as collateral security therefor; (b) that said bonds shall not be pledged for a greater period than one year from the date of this order without the further order of this Commission.

3. That the notes or the proceeds thereof for which bonds herein authorized are pledged as collateral security shall be used solely and exclusively for the purposes for which the stock or its proceeds were authorized to be used, as enumerated in the order of the Commission herein dated July 26, 1917.

4. That the company shall for each six months ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what if any bonds have been pledged during such period in accordance with the authority contained herein; (b) the date of

such pledging; (c) with whom such bonds were pledged; (d) the principal of each loan for which such bonds are pledged, their terms and interest rates; (e) the total face value of bonds herein authorized which remain pledged as collateral security for said loans on the closing date of such period; (f) any other terms and conditions of such transactions; (g) the amount of such note proceeds expended during such period for each of the purposes specified in the order herein dated July 26, 1917, and the account or accounts under the Uniform System of Accounts for Electrical Corporations to which such expenditures have been charged, giving all details of any credits to fixed capital in connection with such expenditures. Such reports shall continue to be filed until all of the proceeds of the notes secured as herein authorized shall have been disposed of for the purpose specified in this order.

5. That in all other respects the terms and conditions of said order entered herein on the 26th day of July, 1917, shall remain in full force and effect.

6. That the authority contained in this order to issue securities is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any securities are issued pursuant hereto and within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the bonds herein authorized to be issued are reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6242]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 12th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of ELIZABETH FICHANDLER of Brooklyn *against* NEW YORK TELEPHONE COMPANY as to refusal of allowance of fifty per cent of the rental charge for second suspension of residence service (party line).

Complaint filed October 23, 1917; answer filed November 20, 1917; hearing held at the office of the Commission in the city of New York December 8, 1917. Appearances: No one appeared for the complainant; Franklin Briggs for the respondent; William G. Gorse, intervening complainant, in person. The complainant in this case is a party line subscriber of the New York Telephone Company in the borough of Brooklyn, city of New York. At the request of the complainant the Telephone company discontinued her service on June 30, 1917, and until August 8, 1917; and again from August 11, 1917, until August 30, 1917. She complains because the Telephone company refuses to make any allowance on its bill for the second suspension of service, and asks that the Commission require such allowance to be made. The answer of the company sets forth that under its tariffs filed with this Commission no allowance is made for more than one suspension of service on a party line during the contract year, and that such allowance may cover a period of not to exceed four months. While the complainant did not appear on the hearing, yet a similar complaint had theretofore been filed with the Commission by William G. Gorse of 444 East 147th Street, New York, who has telephone service in the Bronx. At his request the Telephone company discontinued his service

from June 20 to July 11, 1917; and again from August 6 to September 1, 1917. No allowance was made to him for the second suspension, and he filed a complaint with the Commission against this practice of the Telephone company on the ground that the same was unjust and unreasonable. He appeared at the hearing in person and presented his own case, which so far as the circumstances are concerned is similar to that of the complainant Fichandler. It appears from the evidence submitted by the Telephone company that it is subjected to considerable expense in making these disconnections for party line subscribers and for reconnecting them when they desire to again have service. These expenses are not incurred by the company in suspending service for a direct line subscriber. It appears to the Commission from the record in this case that the present practice of only allowing for one suspension of service during a contract year for party line service is not unjust nor unreasonable. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 5695]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of the TOWN BOARD OF THE TOWN OF ALTAMONT, Franklin county, under section 90 of the Railroad Law for a determination as to the manner in which a new highway in said town known as Cedar street shall cross the New York and Ottawa branch of the New York Central railroad.

It appears from the petition dated August 18, 1916, herein, that the Town of Altamont, Franklin county, has laid out a new highway on a continuation of Cedar street in said town, and accordingly now seeks a determination by this Commission of the manner in which such highway shall cross the New York and Ottawa branch of the New York Central railroad. The location of the proposed crossing is about 1120 feet from the intersection of the Adirondack branch of the New York Central railroad, which at this point runs in a northerly and southerly direction, with the New York and Ottawa branch, running in an easterly and westerly direction, the intersection being at Tupper Lake Junction station. The two branches are connected in the northeasterly quadrant by a wye track, at the northern extremity of which track, where it joins the Adirondack branch, the freight house hereinafter mentioned is located. Parallel with Cedar street as it has been laid out and about 450 feet to the west is Pine street, a thoroughfare which, in its legal establishment, probably ends at the railroad company's southerly right of way line. There is a private crossing of the railroad at this point, but it appears that the public is permitted to cross without restraint, and there has even been erected a standard crossing sign at the point of crossing; so that to all intents and purposes it is in fact a public crossing and is being used as such at the present time by travel from opposite sides of the tracks, including that bound to and from the railroad company's freight house above referred to. North of the tracks are a number of dwellings on a road which parallels the railroad and runs in a westerly direction to a dead end. At a point a short distance east of the Pine Street crossing this road bends to the left and parallels the wye track on the railroad company's right of way to the freight house. It is by this route that all teaming to the freight house at the present time is done. The entire layout, together with the location of Cedar street and other streets

present and proposed hereinafter referred to, are shown upon a plan on file with this Commission entitled "N. Y. C. & H. R. Buffalo and East. Ottawa Branch, Ottawa Division. Proposed Extension of Cedar Street, 0.2 mile south of Tupper Lake Jct." Cedar street as laid out is straight south of the railroad and to a point about 200 feet north of the tracks, at which point it bends to the west and runs to a new north-and-south street known as New street, which further south joins the freight house road on the railroad right of way hereinbefore referred to. It is stated that the plot of ground bounded by the railroad wye, New street and the Adirondack branch, is owned by LeBoeuf & Savard Real Estate Improvement Company, whose parcel adjoins New street, and by the Brooklyn Cooperage Company, whose holding embraces all the remaining part of the area. To reach the freight house at the present time via Cedar street it would, therefore, be necessary to turn back through New street as far as the railroad track and thence proceed by the road paralleling the wye. This road, as heretofore stated, is on the right of way of the railroad company which is not willing to dedicate the land for highway purposes, although it is not averse to its use as such until required by it for other purposes. Under these conditions, to meet the exigencies of the case, it appears necessary and advisable that Cedar street should be extended westerly through the lands of the Real Estate Improvement Company and the Brooklyn Cooperage Company to the freight house. The town is apparently in accord with this suggestion, and the Commission understands that the Real Estate Improvement Company is agreeable to the plan and will contribute the necessary land within its area, but that the proposition is opposed by the Brooklyn Cooperage Company. The Commission has been advised that if such proposed street extension, or New street, is considered necessarily incident to approval of the proposed grade crossing of Cedar street, proceedings to acquire requisite land for such extension or New street will be undertaken.

At a hearing upon said petition held in the city of Albany on December 20, 1916, Messrs. Ralph Hastings, Allen Williams, and F. A. Hermans appeared respectively for the petitioner, The New York Central Railroad Company, and the State Commission of Highways; and due proof of publication of the notice of the hearing and of personal service of such notice upon all of the interested property owners was filed. At this hearing a map, heretofore referred to, was submitted in evidence and marked "Applicants Ex. No. One," this map being dated July 14, 1916. Another map was subsequently filed informally, this map being practically the same in all respects as exhibit No. One, except that it includes certain additional trackage and shows the location of the freight house and the property of the Brooklyn Cooperage Company above referred to. A personal inspection of the locality was thereafter made by the Commissioner in charge. After due consideration the Commission has finally determined that under certain conditions the new highway at Cedar street as laid out may cross the railroad, consisting at this point of two tracks: one main line track and one wye track, at the grade of the tracks, and therefore

Orders: 1. That a new highway or street laid out and known as Cedar street, in the town of Altamont, Franklin county, shall cross the tracks of the New York and Ottawa branch of the New York Central railroad at the grade of the said tracks, the approaches to said crossing to be substantially level and surfaced with either macadam or gravel, or other material suitable for highway purposes.

2. That upon the opening of such crossing at Cedar street the present private crossing at Pine street shall be discontinued for public travel; and the railroad company shall forthwith, at its own cost and charges, erect farm gates at said crossing, remove the standard highway crossing-sign now in place there, and by suitable warning signs or other effective means indicate such discontinuance of the use of said crossing for public travel.

This order is made and permission to cross the railroad tracks at grade is granted upon the express condition that the Town of Altamont shall forthwith take the necessary steps to acquire land for an extension of Cedar street or a new street extending from New street, so called, westerly to The New York Central Railroad Company's freight house; and the acceptance by the town of this order shall be deemed an undertaking and agreement on its part as

promptly as possible to acquire such land and construct thereon a suitable roadway for vehicles. In the meantime, traffic to and from the freight house shall be over Cedar street to New street, to the existing private road on the north side of and along the railroad right of way to said freight house, returning in the reverse order.

[Case No. 6014]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of CATSKILL MOUNTAIN RAILROAD CORPORATION under sections 53, 54, and 55, Public Service Commissions Law, as to transfer of railroad franchises and rights to it; for permission to operate the railroads and exercise the franchises; for permission to issue common capital stock and a demand note. Also a petition of Eben E. Olcott, Alfred V. S. Olcott, and George H. Beach.

Supplemental
order.

Petition filed May 12, 1917; report of division of capitalization dated May 22, 1917; hearing held May 23, 1917; order entered May 24, 1917; supplemental petition filed June 1, 1917; amendatory order entered June 12, 1917; allocation of road and equipment filed December 3, 1917. Ordering clause No. 6 of an order entered in this proceeding under date of May 24, 1917, required the Catskill Mountain Railroad Corporation to allocate to the prescribed accounts under the Classification of Investment in Road and Equipment of Steam Railroads the cost to it of the properties of the Catskill Mountain Railway Company, Otis Railway Company, and Catskill and Tannersville Railway Company. An allocation of the cost of road and equipment which meets the requirements of this ordering clause has been filed herein under date of December 3, 1917. Now therefore, upon the foregoing record,

Ordered: That the said distribution of the cost to the Catskill Mountain Railroad Corporation of the properties, rights, privileges, etc., of the former Catskill Mountain Railway Company, Otis Railway Company, and Catskill and Tannersville Railway Company, filed under date of December 3, 1917, is hereby approved, and the company is hereby authorized and directed to spread the amount of the same upon its books among the appropriate accounts prescribed by the Classification of Investment in Road and Equipment of Steam Roads, and to file within thirty days of the service of this order an affidavit of such fact.

[Case No. 6187]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE CANASERAGA HEAT, LIGHT AND POWER COMPANY, INC., under sections 68 and 69 of the Public Service Commissions Law for permission *nunc pro tunc* to construct an electric plant in the incorporated village of Canaseraga, Allegany county; and for authority *nunc pro tunc* to issue common and preferred capital stock.

The Canaseraga Heat, Light and Power Company, Inc., having filed its petition with this Commission asking among other things the approval of this Commission *nunc pro tunc* for the erection and operation of an electric heat, light and power plant in the village of Canaseraga, New York, for the purpose of supplying the inhabitants thereof with heat, light, and power, and for the purpose of furnishing light for the streets of said village, in accordance with the terms of the franchise granted to said company by said village; and the board of trustees of the said Village of Canaseraga having on the 22nd day of August, 1917, authorized said company to construct and operate an electric heat, light, and power plant in the village of Canaseraga, New York, for the purpose of supplying the inhabitants thereof with heat, light, and power, and for the purpose of furnishing light for the streets of said village; and due proof of notice of the pendency of this application having been made and filed, and a hearing having been had before Commissioner Barhite at the office of the Commission in the city of Buffalo, New York, on the 30th day of November, 1917, at which time Mr. William C. Windsor, attorney and treasurer of said company, appeared on behalf of said application, no one appearing to oppose; and the Commission having determined after such due hearing that construction of its said plant by said company and the exercise of the rights, privileges, and franchise granted to it by said village are necessary and convenient for the public service,

Ordered: That the franchise granted to The Canaseraga Heat, Light and Power Company, Inc., by the Village of Canaseraga in the following terms is hereby approved:

In consideration of the sum of one dollar, the receipt whereof is hereby acknowledged, the Village of Canaseraga, in Allegany county, New York, a municipal corporation, hereby grants to The Canaseraga Heat, Light and Power Company, Inc., of Canaseraga, N. Y., its successors and assigns, the privilege, right, or franchise to erect, place, maintain, and replace electric light poles, conduits, wires, and necessary fixtures therefor in, under, and upon any of the streets, avenues, lanes, or public grounds of said village, now in use or hereafter opened, and to install, maintain, and operate an electric light and necessary equipment in said village, and to furnish electricity for heat, light, and power therein, and to use the poles, conduits, wires, and electric light plant so to be constructed for the purpose of producing, furnishing, and selling electricity for heat, light, and power within said village, and to transmit electricity for the same purpose beyond the bounds of said village or to use said poles, conduits, and wires for the purpose of transmission and sale of heat, light, and power derived by said company from a source or sources outside of said village.

The poles, lines, and appliances above described, shall be erected and constructed in conformity with the reasonable regulations of the board of trustees of said village, and shall be maintained at all times in good order and repair, and poles only erected upon such streets and in such places as the board of trustees shall from time to time direct and permit.

The said The Canaseraga Heat, Light and Power Co., Inc., its successors and assigns, expressly agree to indemnify and save harmless the said Village of Canaseraga of and from any claims and demands for damage to person or property arising from the use of said streets, lanes, or public places by said company for the purposes aforesaid.

Further Ordered: That the construction of its plant by The Canaseraga Heat, Light and Power Company, Inc., and the exercise of its rights and privileges under the above named franchise are hereby permitted and approved.

Further Ordered: That said company shall not enter upon or construct any works in or upon any state or county highway which has been or may be constructed under the provisions of the Highway Law except upon the approval and under such conditions and regulations as may be presented by the State Commission of Highways.

[Case No. 6259]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

Petition of the INCORPORATED VILLAGE OF ANDOVER, Allegany county, under section 68 Public Service Commissions Law for a certificate of authority to build, maintain, and operate an electric plant for other than municipal purposes, as well as municipal purposes.

Appearance, Crayton L. Earley, attorney petitioner. A petition under section 68, Public Service Commissions Law, having been filed with this Commission by the incorporated Village of Andover, Allegany county, for authority to maintain and operate for other than municipal purposes, as well as municipal purposes, an electric plant in said village; and a public hearing on said petition, after due notice, having been held in the city of Buffalo on December 14, 1917, at which the petitioner was represented, and no one else appeared; and it appearing from the papers and hearing that the said village has been lawfully authorized to construct the plant in question and issue bonds therefor; and it appearing that no generating plant is required now as the village has arranged to get the current from the plant of the Andover Silk Company, and that the work of erecting the necessary poles, wires, and appurtenances is completed, or nearly completed; and this Commission being satisfied that the petition should be granted, it is

Ordered: 1. That this Commission, under section 68, Public Service Commissions Law, certifies that it hereby authorizes the incorporated Village of Andover, Allegany county, to build, maintain, and operate for other than municipal purposes, as well as municipal purposes, works and systems for the generation and supplying of electricity for light, heat, or power.

2. That notwithstanding it appeared at the hearing that the village proposes to charge private consumers 11 cents a kw.h., this Commission does not pass upon such rate, the provisions of subdivision 5, section 66, Public Service Commissions Law, applying thereto.

[Case No. 6263]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of THE LEHIGH AND HUDSON RIVER RAILWAY COMPANY under section 51 of the Public Service Commissions Law for consent to discontinue operation of two passenger trains.

Petition filed November 16, 1917; hearing held at the office of the Commission in the city of Albany on December 17, 1917. Appearances: John J. Beattie for the petitioner; no one in opposition. This is an application for permission to discontinue the operation of petitioner's passenger trains Nos. 6 and 9 between Greycourt and Warwick, N. Y. The matter is presented to the Commission prior to taking any action with regard to the operation of these trains because of the fact that on the 19th day of February, 1912, the Commission made an order requiring the petitioner to maintain a train on the schedule formerly maintained by train No. 6, leaving Warwick about 8:20 a. m., and to keep a record of the traffic accommodated by that train for use as a basis and in support of any petition which the respondent might thereafter file for an amendment or annulment of the order. Counsel stated that the company has continued the operation of the train up to the present time in an earnest endeavor to develop such passenger traffic as there might be in the territory and to determine whether or not there was any real need for the continued operation of these trains. The petitioner introduced in evidence certain statistics to show that only a few passengers use these trains. Train No. 9 is in fact a dead-head train not scheduled on the timetable but operated so it can make the run from Warwick to Greycourt as No. 6. The discontinuance of these trains will not materially inconvenience the traveling public as there are four other passenger trains each way per day between Greycourt and Warwick. It is asserted by the petitioner that the present operation of these trains will result in materially reducing its operating expenses and also enable it to improve its operating conditions in other respects. There seems to be no reason why the request of the petitioner should not be granted. It is therefore

Ordered: That The Lehigh and Hudson River Railway Company be and it hereby is authorized to discontinue the operation of trains Nos. 9 and 6 between Greycourt and Warwick, and Warwick and Greycourt, respectively, beginning with January 1, 1918, notice of such discontinuance to be published in each of the weekly newspapers in Warwick prior to that time, and also posted in the stations of the company at and between Greycourt and Warwick and in the passenger cars of the company for at least one week before said trains are discontinued.

[Case No. 6270]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of SOUTHERN NEW YORK POWER AND RAILWAY CORPORATION under section 184 of the Railroad Law for approval of a declaration of abandonment of a portion of its constructed and unconstructed street surface railroad route in Cooperstown.

Petition filed November 20, 1917; hearing held at the office of the Commission in the city of Albany on December 10, 1917. Appearances: N. P. Willis for petitioner; no one in opposition. This is an application by the Southern New York Power and Railway Corporation for approval of this Commission under the provisions of section 184 of the Railroad Law to the declaration of abandonment of that portion of the route of said railway corporation in the village of Cooperstown, on Main street between Pioneer street and Chestnut street, on the ground that the operation of the same is no longer necessary for the purposes of the petitioner or the convenience of the public. The necessary proceedings have been taken by the corporation to accomplish the desired result in accordance with the provisions of the statute. The abandonment was also approved by the freeholders and taxable inhabitants of the village at a special meeting held on September 7, 1917, and also by the board of trustees of said village on September 10, 1917, and certified copies of such proceedings were filed with the Commission at the hearing. It appearing to the Commission that public convenience no longer requires the operation by the petitioner of that portion of its route between Pioneer street and Chestnut street, it is

Ordered: That pursuant to the provisions of section 184 of the Railroad Law, the approval of this Commission be and the same hereby is given to the declaration of abandonment by the Southern New York Power and Railway Corporation bearing date September 6, 1917, of that portion of its route on Main street between Pioneer and Chestnut streets, in the village of Cooperstown.

[Case No. 6273]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of NEW JERSEY AND NEW YORK RAILROAD COMPANY (Erie) under section 54 of the Railroad Law (as amended by chapter 564 of the laws of 1915) for consent to the discontinuance of its station at Union, Rockland county.

Petition filed November 22, 1917; hearing held at the office of the Commission in the city of Albany December 10, 1917; affidavit of posting of notice of hearing filed at the hearing. Appearance, George A. W. Achenbach for petitioner. The petitioner, which is controlled by the Erie Railroad Company, now maintains a non-agency station at Union, in the town of

Ramapo, Rockland county. It asks for the consent of this Commission to the discontinuance of said station in accordance with the provisions of section 54 of the Railroad Law. There are but few residences near this station which is practically on the northerly outskirts of the village of Spring Valley and the community is very sparsely settled. There are no factories or manufacturing establishments nor are there any stores or industries whatsoever in the vicinity of the station. The station at Spring Valley is about seven- or eight-tenths of a mile south of the station at Union. The next station north of Union is New Hempstead, a distance of about 1.8 miles. For the period from October 7 to October 21, 1917, inclusive, a record was kept of passengers boarding and leaving the trains of the petitioner at Union: it showed four passengers getting off from train 605 and two from train 617, and that nine passengers boarded train 616. No passengers boarded or left any other of the trains of the company stopping at Union during that period. This is explained by the fact that there is better and more convenient service at Spring Valley which is practically the northern limit of the commuting territory on the lines of the petitioner in the vicinity of New York. The station building at Union is about 20 x 30 feet and is in poor condition at the present time, the windows having been broken as well as the door, and the floor has fallen in. It is claimed that this is due to depredations rather than ordinary wear and tear. Sufficient freight facilities are provided at Spring Valley to take care of all the business at Union. There are no station facilities at Union now and trains only stop on signal. No freight has been received or shipped from Union by the petitioner for a long time. If the company is permitted to abandon the station, it will no longer stop trains at that point. From the record in this case there appears to be no necessity for further maintenance by the petitioner of a station at Union, in the town of Ramapo, and it is therefore

Ordered: That pursuant to the provisions of section 54 of the Railroad Law, the consent of this Commission be and the same hereby is given to the New York and New Jersey Railroad Company to discontinue its station at Union, in the town of Ramapo, Rockland county, for the reception or delivery of passengers or property on and after January 1, 1918; notice of such discontinuance to be duly posted on the premises at Union for at least ten days prior to such discontinuance, and an affidavit of posting such notice shall be filed with the Commission within ten days after the discontinuance of such station.

[Case No. 6280]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 18th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of RUTLAND RAILROAD COMPANY under section 54 of the Railroad Law as amended by chapter 584 of the Laws of 1915 for consent to the discontinuance of its Woods Falls station, Clinton county.

Application filed December 1, 1917; hearing held at the office of the Commission in the city of Albany on December 10 and 15, 1917. Appearances: John M. Cantwell for the petitioner; Wallace E. Pierce for certain shippers in opposition. This is an application by the Rutland Railroad Company for permission to discontinue its non-agency station at Woods Falls, Clinton county, New York. The company is about to issue new tariffs and is desirous of eliminating Woods Falls therefrom. The company alleges that it is

particularly desirous of removing the sidetrack and switch at Woods Falls in order to improve operating conditions and make them safer. This siding has been used for many years for the shipment of pulp wood, fire wood, and other freight in carload lots, and some freight is also received at this point. The freight shipped out is far in excess of that received at Woods Falls. There is no demand for the maintenance of an agency station at this point. The nearest agency stations are at Altona, 3.3 miles west of Woods Falls, and Mooers Forks, 2.5 miles east thereof. Passenger trains stop at Woods Falls on signal. It appears that in ordinary years there are about thirty-five carloads of wood shipped from this point. Certain shippers have contracted for wood to be loaded at this station during the coming year, and if they should be obliged to ship the wood now contracted for from either Altona or Mooers Forks there would probably be a considerable additional charge for hauling. One of the principal shippers testified that he thought that if it was understood that this siding was eventually to be abandoned it might be accomplished without great hardship to them if sufficient notice were given so that they might adjust themselves accordingly. It was stated that if this removal were made effective at the end of the year 1918 there would probably not be any great opposition thereto. From all the facts set forth in this record it is apparent that there would be some real hardship to shippers if the switch were removed at the present time, and for that reason it is believed the railroad company should continue to operate it until otherwise ordered by the Commission. If upon a proper showing subsequent to October 1, 1918, it appears proper to grant an order authorizing the discontinuance of the Woods Falls station, the Commission will entertain such an application. It is therefore

Ordered: That the application of the Rutland Railroad Company for permission to discontinue its station at Woods Falls, Clinton county, New York, be and the same hereby is denied, with the right to the railroad company to renew its application at any time after October 1, 1918.

[Case No. 5983]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the BINGHAMTON LIGHT, HEAT AND POWER COMPANY under section 69, Public Service Commissions Law, for authority to issue \$407,000 in the first refunding mortgage 5 per cent thirty-year gold bonds under an existing mortgage, and \$174,100 6 per cent cumulative preferred stock.

Third
amendatory
order.

Petition filed April 20, 1917; report of division of light, heat and power dated May 26, 1917; hearing held June 20, 1917; memorandum of division of capitalization dated July 30, 1917; order entered July 31, 1917; supplemental petition filed August 25, 1917; amendatory order entered August 29, 1917; second supplemental petition filed October 3, 1917; order entered October 3, 1917; third supplemental petition filed December 19, 1917. Now therefore, upon the foregoing record,

Ordered: That the order herein dated July 31, 1917, as amended under dates of August 29, 1917, and October 3, 1917, is hereby further modified and amended to authorize the sale of \$60,000 face value of the 5 per cent 30-year first refunding and improvement mortgage gold bonds therein authorized to be issued for not less than 75½ per cent of their face value and accrued interest, to give net proceeds of \$45,300, which shall be applied solely and exclusively toward the purposes enumerated in said order dated July 31, 1917.

[Case No. 6019]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of GEORGE M. FANNING of the city of Fulton *against* OSWEGO COUNTY INDEPENDENT TELEPHONE COMPANY as to rates.

This is a complaint against an increase in rates made by the respondent in the city of Fulton. It was filed May 15, 1917, and the answer was filed June 7, 1917. A hearing was set to be held in the city of Fulton July 14th. July 12th the Commission was informed that the parties had agreed to an adjournment to September 12th. September 7th the Commission was informed that the parties had again agreed to postpone the hearing, this time until November 8th. Hearings were set in accordance with these agreements. November 7th the Commission was informed by telegram from the respondent that it would be unable to proceed and asked for a date later in the month. The Commissioner to whom the case had been assigned immediately telegraphed the respondent that there could be no adjournment without consent of complainant, but a hearing could be set for any Wednesday afternoon in Albany, or for November 30th at Syracuse. At the time set for the hearing no one appeared on either side, and the Commission has received no further intimation from either party as to its desires; it is therefore

Ordered: That the case be and the same hereby is closed upon the records of the Commission, with leave however to reopen on assurance by complainant that he is ready to proceed.

[Case No. 6225]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Complaint of W. H. MONTGOMERY of Red Hook, Dutchess county, *against* CENTRAL NEW ENGLAND RAILWAY COMPANY as to taking off of train No. 171 (passenger).

Complaint filed August 28, 1917; answer filed November 12, 1917; reply filed November 12, 1917; hearing held at the office of the Commission in the city of Albany on December 17, 1917. Appearances: Wm. Harry Montgomery, complainant, in person; Charles M. Sheafe, jr., for Central New England Railway Company. The respondent formerly operated a train No. 171 between Silvernails and Rhinecliff in the morning, which carried passengers and enabled them to reach Rhinecliff in the morning. It also accommodated a few school children who attended school in Red Hook. The respondent discontinued the operation of this train several months ago, and the Commission is now asked to have the service restored. It appears that the travel on this train has always been extremely light, and it has not been shown that over ten passengers at most would use the train daily if service was restored. This travel would be mostly in bad weather and in the

Winter. When the roads are in good condition many of the people travel by other conveyance. The respondent now operates one train each way per day, the morning train going east to Silvernails and the afternoon train going west to Rhinecliff. It is claimed that this method of operation is justified by the traffic demands of the railroad. It is apparent that children and their parents will be somewhat discommoded if it is not possible to reach Red Hook during the morning of the days when school is in session. Every effort is being made in every possible way to expedite traffic on the railroads. Passenger traffic is being curtailed in every way to facilitate the handling of freight for Government purposes, and coal and other necessities of life and industry. In these days of stress and trouble due to the world conflict every person is or will be subjected to a great deal of annoyance and inconvenience which seems to be unavoidable. The present case is a concrete illustration. We do not feel that we would be justified at this time in requiring the respondent to put train No. 171 back on its former schedule. Perhaps when the affairs of the world are once again restored to normal it may be possible for the present situation to be ameliorated as respects the train service for the people residing along the Rhinecliff branch. It is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 6274]

STATE OF NEW YORK,

PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 20th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
Commissioners.

In the matter of the Petition of the WARREN AND JAMESTOWN STREET RAILWAY COMPANY under subdivision 10, section 8, Railroad Law, for consent to the issuance of a second mortgage for \$100,000, and under section 55, Public Service Commissions Law for authority to issue an equal amount in 6 per cent 10-year gold bonds to be secured by said mortgage.

Petition filed November 21, 1917; report of division of capitalization dated December 17, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the Warren and Jamestown Street Railway Company is hereby authorized to execute and deliver to the Warren Trust Company as trustee, a corporation organized and existing under the laws of the State of Pennsylvania, a certain indenture, deed of trust, or mortgage upon all its plant and property, dated the 1st day of January, 1918, to secure an issue of refunding mortgage ten-year gold coupon bonds to the aggregate amount of \$100,000 face value, bearing interest at the rate of 6 per cent per annum, a copy of which indenture has been filed with the Commission herein as exhibit No. 1, and that the form thereof so filed is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein authorized by the Commission.

2. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

3. That the Warren and Jamestown Street Railway Company is hereby authorized to issue \$100,000 face value of its 6 per cent ten-year refunding mortgage gold coupon bonds under the aforesaid mortgage.

4. That said bonds of the total face value of \$100,000 may be sold for not less than 90 per cent of their face value and accrued interest to give net proceeds of at least \$90,000.

5. That said bonds of the face value of \$100,000 so authorized, or the proceeds thereof which shall be not less than \$90,000, shall be applied solely and exclusively toward the refunding of an outstanding issue of \$100,000 face value of 6 per cent ten-year second mortgage bonds which mature on January 1, 1918.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Warren and Jamestown Street Railway Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Warren and Jamestown Street Railway Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) the amount expended during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

8. That this proceeding is hereby continued upon the records of the Commission until the examination which is to be made of the books, accounts, and property of the petitioner herein shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary shall have been made in the accounts of the company to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of the Commission in the premises.

9. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof, and before any bonds are issued pursuant hereto and within thirty days of the service hereof the company shall file with the Commission a satisfactory verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission, and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

4. That The Delhi Telephone Company is hereby authorized to issue \$10,000 face value of its 5 per cent 30-year first mortgage coupon bonds under the aforesaid mortgage.

5. That said bonds of the total face value of \$10,000 may be sold for not less than their face value and accrued interest to give net proceeds of at least that sum.

6. That said bonds of the face value of \$10,000 so authorized, or the proceeds thereof to the amount of \$10,000, shall be used solely and exclusively for the following purposes: (a) for the refunding of outstanding 5 per cent 10-year first mortgage bonds aggregating in face value \$7,000; (b) to discharge an outstanding promissory note dated September 7, 1901, or the renewals thereof, \$3,000: \$10,000.

7. That if the said bonds of a total face value of \$10,000 herein authorized shall be sold at such price as will enable the company to realize net proceeds of more than \$10,000, no portion of the proceeds of such sale in excess of the last aforesaid sum shall be used for any purpose without the further order of the Commission.

8. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by The Delhi Telephone Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

9. That The Delhi Telephone Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale or disposition; (c) to whom such bonds were sold; (d) what proceeds were realized from such sale; (e) any other terms and conditions of such sale; (f) in detail the amount expended during such period of the proceeds of the bonds herein authorized for each of the purposes specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

10. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

11. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no bonds shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such bonds be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to, and approved as sufficient to this Commission.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purposes specified in this order, and that such purposes are not in whole or in part reasonably chargeable to operating expenses or to income except to the amount of \$4434.55.

[Case No. 6187]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE CANASERAGA HEAT, LIGHT AND POWER COMPANY, INC., under sections 68 and 69, Public Service Commissions Law, for permission *nunc pro tunc* to construct an electric plant in the incorporated village of Canaseraga, Allegany county; and for authority *nunc pro tunc* to issue common and preferred capital stock.

Petition filed August 28, 1917; hearings held November 16 and 30, 1917; order entered December 18, 1917 (section 68); report of division of capitalization dated December 20, 1917. Now therefore, upon the foregoing record,

Ordered: That the issuance by The Canaseraga Heat, Light and Power Company, Inc., between December 9, 1916, and August 17, 1917, both inclusive, of \$4300 par value of its capital stock, \$950 of which is classified as common and \$3350 as 6 per cent preferred capital stock; and the application of the proceeds realized from the sale thereof at par toward the construction of its electric light and power plant and system in the village of Canaseraga, Allegany county, N. Y., is hereby authorized *nunc pro tunc*.

Finally, it is determined and stated that in the opinion of the Commission the use of the proceeds of the stock herein authorized *nunc pro tunc* was reasonably required for the purpose described in this order, and that such purpose was not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6232]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Joint Petition of GARRET H. TENPAS and CLYMER POWER CORPORATION under section 70, Public Service Commissions Law, for consent *nunc pro tunc* July 13, 1917, to the transfer from Tenpas to the Corporation of the works and system of an electric plant in the town of Clymer, Chautauqua county; and petition of the corporation under section 69 for authority to issue capital stock.

Petition filed October 18, 1917; report of division of light, heat, and power dated November 26, 1917; report of division of capitalization dated December 19, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the issuance by the Clymer Power Corporation on July 13, 1917, of \$15,000 par value of its common capital stock in payment for an electric light plant and system situate in the village of Clymer, Chautauqua county, N. Y., formerly owned by Garret H. Tenpas, is hereby authorized *nunc pro tunc*.

2. That the property herein authorized to be acquired *nunc pro tunc* shall be entered upon the books of the Clymer Power Corporation at the values shown in the report of the Commission's division of light, heat, and power dated November 26, 1917, a copy of which shall be served upon the company, and within thirty days of the service of this order the company shall file with the Commission a copy of the entry recording the acquisition of such property upon its books, which entry shall be duly verified by its treasurer.

3. That the authority contained in this order to issue securities *nunc pro tunc* is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and that within thirty days of the service hereof the company shall advise the Commission whether or not it accepts the same with all its terms and conditions, and such order shall be of no force or effect until such acceptance has been filed.

Finally, it is determined and stated that in the opinion of the Commission the use of the stock herein authorized *nunc pro tunc* was reasonably required for the purpose described in this order, and that such purpose was not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6265]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
JAMES C. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE HAMLET OF PORT GIBSON, Ontario county, *against* ROCHESTER AND SYRACUSE RAILROAD COMPANY, INC., asking that limited cars (passenger) stop at Port Gibson on signal.

In the above matter the company answered that it would stop certain limited cars at Port Gibson, naming them, and representative of complainants notified the Commission that this is satisfactory. Therefore it is

Ordered: That this complaint is hereby closed on the records of the Commission as satisfied.

[Case No. 6278]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 26th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of the PROPRIETORS AND GUESTS OF THE ST. GEORGE HOTEL, Manhattan, New York city, *against* NEW YORK TELEPHONE COMPANY, asking that an additional public telephone be located in the hotel.

In the above matter the company answered that it had satisfied the complaint by arranging for the installation of the additional public telephone asked for, and representative of complainants notified the Commission to the same effect. Therefore it is

Ordered: That this case is hereby closed on the records of the Commission as satisfied.

[Case No. 6169]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT,
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint under sections 71 and
72 of the Public Service Commissions Law of the
TRUSTEES OF THE VILLAGE OF FORT EDWARD *against*
UNITED GAS, ELECTRIC LIGHT AND FUEL COMPANY OF
SANDY HILL AND FORT EDWARD as to price of gas.

Complaint filed August 9, 1917; answer filed September 4, 1917; hearing
held at the office of the Commission in the city of Albany on December 14,
1917. Appearances: McKelvey & Stenacher, by Lawrence B. McKelvey, for
the complainants; David Fisk for the Village of Hudson Falls; Rogers &
Sawyer, by Erskine C. Rogers, for the respondent. The complaint in this
case alleges that the franchise granted in September, 1899, and under which
the respondent is now operating, contains a provision that no greater sum
than \$1.25 per thousand cubic feet shall be charged for gas for fuel or
illuminating purposes; that notwithstanding this restriction in the franchise,
the company increased its rate for gas on August 1, 1917, to \$1.60 per
thousand cubic feet, thereby violating the provision in the franchise. No
claim is made that the rate is unjust or unreasonable. A similar complaint
against the respondent was filed by the Village of South Glens Falls, and in
that case the Commission has determined that the franchise restriction is not
controlling provided the company can justify an increase in its rate. The
Commission was informed by counsel in that case, who also represented the
Village of Fort Edward, that the complainants did not intend to contest the
reasonableness of the increased rate in Fort Edward provided the Commis-
sion decided that it could authorize the company to increase its rate not-
withstanding the provision in the franchise. The Commission has decided
this question adversely to the complainants, and it is therefore

Ordered: That the complaint herein be and the same hereby is dismissed
and the case closed on the records of the Commission.

[Case No. 6171]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 27th day
of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint under sections 71 and
72 of the Public Service Commissions Law of the
TRUSTEES OF THE VILLAGE OF HUDSON FALLS *against*
UNITED GAS, ELECTRIC LIGHT AND FUEL COMPANY OF
SANDY HILL AND FORT EDWARD as to price of gas.

Complaint filed August 17, 1917; answer filed September 10, 1917; hearing
held at the office of the Commission in the city of Albany on December 14,
1917. Appearances: McKelvey & Stenacher, by Lawrence B. McKelvey, for
the complainants; David Fisk for the Village of Hudson Falls; Rogers &

Sawyer, by Erskine C. Rogers, for the respondent. The complaint in this case alleges that the franchise granted in September, 1898, and under which the respondent is now operating, contains a provision that no greater sum than \$1.25 per thousand cubic feet shall be charged for gas for fuel or illuminating purposes; that notwithstanding this restriction in the franchise, the company increased its rate for gas on August 1, 1917, to \$1.60 per thousand cubic feet, thereby violating the provision in the franchise. No claim is made that the increased rate is unjust or unreasonable. A similar complaint against the respondent was filed by the Village of South Glens Falls, and in that case the Commission has determined that the franchise restriction is not controlling provided the company can justify an increase in its rate. The Commission was informed by counsel in that case, who also represented the Village of Hudson Falls, that the complainants did not intend to contest the reasonableness of the increased rate in Hudson Falls provided the Commission decided that it could authorize the company to increase its rate notwithstanding the provision in the franchise. The commission has decided this question adversely to the complainants, and it is therefore

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 6256]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 27th day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint under sections 71 and 72 of the Public Service Commissions Law of the TRUSTEES OF THE VILLAGE OF SOUTH GLENS FALLS *against* UNITED GAS, ELECTRIC LIGHT AND FUEL COMPANY OF SANDY HILL AND FORT EDWARD as to price of gas.

For the reasons set forth in the accompanying Opinion, and in view of the stipulation of the counsel for the complainants that they do not propose to contest the question of the reasonableness of the rate complained of in this proceeding, it is

Ordered: That the complaint herein be and the same hereby is dismissed and the case closed on the records of the Commission.

[Case No. 156]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of THE NEW YORK CENTRAL AND HUDSON RIVER RAILROAD COMPANY under section 62 (now section 91) of the Railroad Law for the elimination of grade crossings over the New York and Harlem railroad in the village of White Plains.

In the matter of the joint petition of the CITY OF WHITE PLAINS and THE NEW YORK CENTRAL RAILROAD COMPANY for a modification of the order of this Commission dated April 10, 1912, the modification asked for being with respect to the location, construction, and design of an overgrade crossing of the railroad near Tibbetts avenue, in the city of White Plains.

The attention of the Commission having been called to two typographical errors which appear respectively in the second and sixth paragraphs on the second page of its order herein under date of October 24th last, the first in respect of the name of the Mayor of White Plains, and the other as to the direction of the ascending grade on the proposed viaduct and its approaches, it is

Ordered: That the order of the Commission of October 24, 1917, herein, shall be and hereby is modified and amended as follows:

(a) The words "Harrington M. Thompson, Mayor," in the sixth line from the top of the second paragraph of page 2 of said order, as printed and published, shall be changed to read "Ffarrington M. Thompson, Mayor"; and

(b) The word "west" in the fourth line of the sixth paragraph of the second page of said order as printed and published shall be changed to read "east".

[Case No. 5849]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the OGDENSBURG GAS COMPANY under section 69, Public Service Commissions Law, for authority to make a first mortgage for \$50,000, and authority to issue now \$45,000 in 5 per cent 25-year bonds; also in regard to acquisition of the bonds under section 70, Public Service Commissions Law.

Petition filed December 30, 1916; report of division of capitalization dated May 8, 1917 (filed in case No. 5851); report of division of light, heat, and power dated July 27, 1917 (filed in case No. 5851); form of proposed mort-

gage filed December 19, 1917; final report of division of capitalization dated December 19, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated December 19, 1917, a copy of which shall be served upon the corporation, such entries being listed in schedule III, pages 9 to 11 inclusive thereof, shall be entered upon the books of the Ogdensburg Gas Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Ogdensburg Gas Company is hereby authorized to execute and deliver to the St. Lawrence Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, to be dated the 1st day of January, 1918, to secure an issue of first mortgage fifty-year gold coupon bonds to the aggregate amount of \$50,000 face value, bearing interest at the rate of 5 per cent per annum, a copy of which indenture has been filed with the Commission herein, and in which certain corrections have been made, and that the form thereof so filed and corrected is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein or hereafter authorized by the Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

4. That the Ogdensburg Gas Company is hereby authorized to issue \$45,000 face value of its 5 per cent 50-year first mortgage gold coupon bonds under the aforesaid mortgage.

5. That said bonds of the total face value of \$45,000, or the proceeds realized from the sale thereof at their face value, shall be used solely and exclusively to pay off a 6 per cent demand loan dated June 30, 1906, in a like amount, in favor of the St. Lawrence Gas, Electric and Transportation Company.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Ogdensburg Gas Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Ogdensburg Gas Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale, exchange, or other disposition; (c) to or with whom such bonds were sold or exchanged; (d) what proceeds if any were realized from the issuance of such bonds; (e) the amount of the loan which has been discharged with such bonds; (f) any other terms and conditions of such transactions; (g) the amount used during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory verified stipulation over the signa-

tures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

9. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof, this order shall not be effective, and particularly that no bonds shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such bonds be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the bonds herein authorized and the money to be procured by the issue thereof are reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 5851]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of the OGDENSBURG POWER AND LIGHT COMPANY under section 69, Public Service Commissions Law, for authority to make a first mortgage for \$200,000, and to issue now \$200,000 in fifty-year 5 per cent bonds to be secured thereby; also in regard to acquisition of the bonds under section 70, Public Service Commissions Law.

Petition filed December 30, 1916; report of division of capitalization dated May 8, 1917; report of division of light, heat, and power dated July 27, 1917; form of proposed mortgage filed December 15, 1917; final report of division of capitalization dated December 19, 1917. Now therefore, upon the foregoing record,

Ordered as follows: 1. That the proposed journal entries contained in the final report of the division of capitalization in this proceeding dated December 19, 1917, a copy of which shall be served upon the corporation, such entries being listed in schedule III, pages 10 to 12 inclusive thereof, shall be entered upon the books of the Ogdensburg Power and Light Company, and that within thirty days of the service of this order verified proof that such entries have been made shall be submitted to the Commission.

2. That the Ogdensburg Power and Light Company is hereby authorized to execute and deliver to the St. Lawrence Trust Company as trustee, a corporation organized and existing under the laws of the State of New York, a certain indenture, deed of trust, or mortgage upon all its plant and property, to be dated the 1st day of January, 1918, to secure an issue of first mortgage fifty-year gold coupon bonds to the aggregate amount of \$200,000 face value, bearing interest at the rate of 5 per cent per annum, a copy of which indenture has been filed with the Commission herein, and in which certain corrections have been made, and that the form thereof so filed and corrected is hereby approved; provided that said company shall have no right or authority to issue any bonds pursuant to the terms of said mortgage except as herein authorized by the Commission.

3. That upon the execution and the delivery of said indenture so authorized there shall be filed with this Commission a copy thereof in the form in which it was executed and delivered, together with an affidavit by the president or other executive officer of the company stating that the indenture as executed and delivered is the same as that herein approved by the Commission; and no bonds secured thereby shall be issued or sold until the provisions of this clause have been complied with.

4. That the Ogdensburg Power and Light Company is hereby authorized to issue \$200,000 face value of its 5 per cent 50-year first mortgage gold coupon bonds under the aforesaid mortgage.

5. That said bonds of the total face value of \$200,000, or the proceeds realized from the sale thereof at their face value, shall be used solely and exclusively to pay off two 6 per cent demand loans aggregating a like amount, dated June 30, 1906, and August 31, 1915, in favor of the St. Lawrence Gas, Electric and Transportation Company.

6. That none of the said bonds herein authorized shall be hypothecated or pledged as collateral by the Ogdensburg Power and Light Company unless any such pledge or hypothecation shall have been expressly approved and authorized by this Commission.

7. That the Ogdensburg Power and Light Company shall for each six months' period ending June 30th and December 31st file, not more than thirty days from the end of such period, a verified report showing (a) what bonds have been sold, exchanged, or otherwise disposed of during such period in accordance with the authority contained herein; (b) the date of such sale, exchange, or other disposition; (c) to or with whom such bonds were sold or exchanged; (d) what proceeds if any were realized from the issuance of such bonds; (e) the amount of the loan which has been discharged with such bonds; (f) any other terms and conditions of such transactions; (g) the amount used during such period of the proceeds of the bonds herein authorized for the purpose specified herein. Such reports shall continue to be filed until all of said bonds shall have been sold or disposed of and the proceeds expended in accordance with the authority contained herein, and if during any period no bonds were sold or disposed of or proceeds expended the report shall set forth such fact.

8. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory verified stipulation over the signatures of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

9. It is nevertheless expressly provided that in all respects other than as directed in clause No. 1 hereof this order shall not be effective, and particularly that no bonds shall be issued or sold hereunder by the applicant, nor shall the issue or sale of any such bonds be deemed to have been approved and authorized by this Commission unless and until compliance with the requirements of said clause shall have been made, reported to and approved as sufficient by this Commission.

Finally, it is determined and stated that in the opinion of the Commission the bonds herein authorized and the money to be procured by the issue thereof are reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6123]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Application of RESIDENTS OF THE
TOWN OF GAINESVILLE, etc., to require the Buffalo, Roch-
ester and Pittsburgh Railway to furnish additional pas-
senger service.

After the answer of the company was received, a hearing in this matter was
called for Rochester before Commissioner Barhite August 4, 1917; attorneys
complainants did not appear, but by letter asked the Commission to hold the
matter generally, as a conference had been held between some of the com-
plainants and officers of the railroad company. By letter dated December 24,
1917, attorneys complainants informed the Commission "that the case may be
marked closed". Therefore it is

Ordered: That this case is hereby closed on the records of the Commission
as satisfied.

[Case No. 6164]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.
At a session of the Public Service Commission, Second
District, held in the city of Albany on the 31st day
of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

Petition of PATENT VULCANITE ROOFING COMPANY under
section 53, Public Service Commissions Law, for per-
mission to construct, and for approval of a franchise
from the city of Albany to construct, at grade, a single
track switch and siding in Tivoli street, in the city of
Albany.

Appearances: Tracey, Cooper and Townsend for petitioner; Visscher,
Whalen and Austin for The New York Central Railroad Company; Charles F.
Hewitt, for United Traction Company. **Hearings:** September 19, September
26, and October 9, 1917. A petition under section 53, Public Service Commis-
sions Law, having been filed with this Commission by Patent Vulcanite Roofing
Company for permission to construct at grade a single track siding, for
freight, in Tivoli street, in the city of Albany, connecting with the Tivoli
Hollow branch of the New York Central railroad, and for approval of the
exercise of a franchise therefor received by said petitioner from the city; and
public hearings on said petition, after due notice, having been held in Albany,
at which those named above appeared; and The New York Central Railroad
Company having joined in the petition, as stated in the record, and the said
franchise having been assigned to The New York Central Railroad Company;
and it appearing that The New York Central Railroad Company has con-
structed and is operating said siding; and this Commission hereby determining
from the papers and hearings that such construction and the exercise of said
franchise are necessary and convenient for the public service, on the conditions
hereinafter named, it is

Ordered: That this Commission, under section 53, Public Service Commissions Law, hereby permits and approves construction at grade by The New York Central Railroad Company of a single track railroad siding for the transportation of freight, connecting by a switch connection with the Tivoli Hollow branch of said company's railroad in Tivoli street, in the city of Albany, said connection being made at a point approximately 870 feet west of North Pearl street, and the siding running in the street easterly to the plant of the Patent Vulcanite Roofing Company, and along said plant its total length, all in the street and on the north side of the street, being approximately 500 feet; and hereby permits and approves the exercise by The New York Central Railroad Company of a franchise therefor from the City of Albany which was bought by Patent Vulcanite Roofing Company at public auction, and which has been assigned by said company to The New York Central Railroad Company, which franchise was passed by the common council of Albany May 7, 1917, and approved by the mayor May 11, 1917, a copy of which franchise certified by the city clerk to be a true copy is filed with this Commission with the papers in this case; there being also filed with said papers a certificate by the board of contract and supply of said city that said franchise was sold at public auction to Patent Vulcanite Roofing Company; and there being also filed with said papers a copy of a resolution of the board of estimate and apportionment of said city, certified by the secretary of said board to be a true copy, approving the sale of said franchise to Patent Vulcanite Roofing Company. This permission and approval, however, is granted only on the following conditions: 1. That the operation of said switch or sidetrack shall be subject to the provisions of the ordinances of the City of Albany with respect thereto; 2. that only locomotive engines and freight cars shall be operated over said siding; 3. that this Commission may, in the future, by formal order, provide that The New York Central Railroad Company shall use this siding for handling freight car or cars for others than Patent Vulcanite Roofing Company; 4. that The New York Central Railroad Company and Patent Vulcanite Roofing Company shall, within fifteen days from the service upon each of said companies of a certified copy of this order, notify this Commission whether the terms of this order are accepted and will be obeyed by each of said companies.

[Case No. 6201]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany, on the 31st day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BABHITE,
Commissioners.

In the matter of the Petition of the AUBURN AND SYRACUSE ELECTRIC RAILROAD COMPANY under section 55, Public Service Commissions Law, for authority to issue \$292,000 in first and refunding mortgage 5 per cent gold bonds.

Petition filed September 13, 1917; hearing held December 31, 1917. Now therefore, upon the foregoing record,

Ordered as follows: That the Auburn and Syracuse Electric Railroad Company is hereby authorized to issue \$292,000 face value of its 5 per cent 40-year first and refunding mortgage gold bonds under a certain indenture, deed of trust, or mortgage dated October 1, 1902, given to the City Trust Company of New York (The Equitable Trust Company of New York, successor) as trustee, to secure an authorized issue of bonds of a total face value of \$2,000,000.

2. That said bonds of the total face value of \$292,000 may be sold for not less than 83 per cent of their face value and accrued interest to realize net proceeds of at least \$242,360.

3. That the proceeds thus to be realized from the sale of said bonds shall be applied solely and exclusively toward the discharge of outstanding 6 per cent 5-year gold notes of said corporation dated February 1, 1916, at par and interest.

4. That the Auburn and Syracuse Electric Railroad Company shall within thirty days after service upon it of a copy hereof file with this Commission a verified report showing (a) the amount of bonds which have been sold under authorization hereof; (b) the date of such sale; (c) to whom such bonds have been sold; (d) the amount realized from such sale; (e) any other terms and conditions of such sale; (f) the use or application of the proceeds of any such sale to be reported in detail. Similar reports shall be filed at the expiration of each recurring thirty day period until all of said bonds shall have been sold and the proceeds expended as herein permitted, or until revocation hereof by reason of changed conditions before the authorization herein shall have been fully made use of.

5. That this proceeding is hereby continued upon the records of the Commission until the examination which is now being made of the books, accounts, and property of the petitioner herein shall have been concluded, and the corrections if any which by reason of such examination this Commission shall determine to be proper and necessary shall have been made, accepted by the corporation, and entered in its accounts to the satisfaction of the Commission; and this order is expressly conditioned upon acceptance by the corporation of any such determination by the Commission and compliance with any subsequent direction or order of this Commission in the premises.

6. That the authority contained in this order to issue bonds is upon the express condition that the petitioner accepts and agrees to comply in good faith with the provisions hereof; and before any bonds are issued pursuant hereto and within thirty days of the service hereof the said company shall file with the Commission a satisfactory, verified stipulation over the signature of its president and secretary accepting this order with all its terms and conditions, and such order shall be void and of no force or effect until such stipulation shall have been filed as last above provided.

Finally, it is determined and stated that in the opinion of the Commission the money to be procured by the issue of said bonds herein authorized is reasonably required for the purpose specified in this order, and that such purpose is not in whole or in part reasonably chargeable to operating expenses or to income.

[Case No. 6244]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARE,
JOHN A. BARHITE,
Commissioners.

In the matter of the Complaint of RESIDENTS OF THE HAMLET OF EDWARDS PARK, Columbia county, against BOSTON AND ALBANY RAILROAD COMPANY (leased to The New York Central Railroad Company), asking that train No. 7, westbound, stop at said station.

This complaint asks that the respondent be required to stop its train No. 7 at Edwards Park, Columbia county. Edwards Park is a non-agency station serving a community of about one hundred people. Pittsfield, Massachusetts,

is the place to which they resort for business purposes. As trains are now arranged, they may leave Edwards Park at 8:17 a. m., arriving at Pittsfield at 8:51; or at 2:56 p. m., arriving at Pittsfield at 3:23. Returning, they may leave Pittsfield at 9:55 a. m., arriving at Edwards Park at 10:22; or at 5:40 p. m., arriving at Edwards Park at 6:08 p. m. It will be seen that they may make a morning trip with only one hour and four minutes available for business purposes in Pittsfield. If they are not able to return at 9:55 a. m., they must remain until 5:40 p. m. Train No. 7 leaves Pittsfield at 1:19 p. m. and passes Edwards Park about 1:43 p. m. It is a through train from Boston to Albany. It stops only five times between Boston and Springfield but it makes all the stops except one from Springfield to Pittsfield, and it makes five regular stops and two flag stops between Pittsfield and Albany. By using the afternoon train in each direction, passengers have something more than two hours in Pittsfield but not during banking hours. While the prospective travel would not be heavy, the stopping of train No. 7 at Edwards Park to discharge passengers ought not to affect otherwise the schedule of that train, and would be an inconsiderable financial burden. The convenience afforded to the residents of the Edwards Park neighborhood outweighs the disadvantage of the occasional additional stop. It is therefore

Ordered: 1. That after January 6, 1918, the respondent cause its train No. 7 to stop at its Edwards Park station for the purpose of discharging passengers from Pittsfield and points east thereof but not for other purposes.

2. That it forthwith give notice of such action by posting a notice thereof in the shelter station at Edwards Park, and that in timetables hereafter published it indicate such stop.

3. That it notify the Commission within five days as to its acceptance of this order.

[Case No. 6261]

STATE OF NEW YORK,
PUBLIC SERVICE COMMISSION, SECOND DISTRICT.

At a session of the Public Service Commission, Second District, held in the city of Albany on the 31st day of December, 1917.

Present:

SEYMOUR VAN SANTVOORD, Chairman,
FRANK IRVINE,
JAMES O. CARR,
JOHN A. BARHITE,
Commissioners.

In the matter of the Petition of OVID ELECTRIC COMPANY under section 68 of the Public Service Commissions Law for permission to construct an electric plant in the town of Lansing, Tompkins county, and to lay a cable in Cayuga Lake.

This petitioner seeks permission to commence construction of electric lines in the town of Lansing, Tompkins county, and for the approval of a franchise therefor; also for permission to lay a cable across Cayuga lake from a point in the town of Ulysses to a point in the town of Lansing, and the approval of the exercise of a revocable permit from the Superintendent of Public Works for that purpose. The applicant now operates in certain towns and villages west of Cayuga lake and including the town of Ulysses which borders upon the lake. The town of Lansing is on the east side of Cayuga lake opposite the town of Ulysses. At the point where it is proposed to land the cable, commonly known as "Myers Point," is a large plant of the International Salt Co. and a small community of residents connected with the salt plant. About a mile away inland is the hamlet of Ludlowville, with perhaps 400 residents. Southerly, about a mile and a-half along the lake shore from the proposed cable landing, is a rock salt mine and the works of the Portland Cement Co. About two miles to the east is a point known as South Lansing which is a station on the Central New York Southern railroad with a number

of houses in the vicinity but none so grouped as to constitute properly a village or hamlet. It is to serve these industries and communities that the franchise was procured with the expectation of extending operations throughout the town should there be sufficient demand therefor. The Ithaca Gas and Electric Corporation has a franchise to operate in the town, but this was apparently procured for the purpose only of serving a small district in the southern end thereof. It presented no opposition at the hearing, and the evidence disclosed that the Ithaca company and the petitioner are owned and controlled by the same interests. It is determined and stated that public convenience and necessity require the construction of said cable and plant and the exercise of said franchise granted to the petitioner by the town board of the Town of Lansing, and said permit granted by the Superintendent of Public Works. It is therefore

Ordered: 1. That pursuant to the provisions of section 68 of the Public Service Commissions Law, the permission and approval of this Commission be and they hereby are given to the Ovid Electric Company to construct, maintain, and operate an electric plant in the town of Lansing, Tompkins county, together with all transmission and distribution lines required for use in connection therewith; and to the exercise by it of the franchise granted to it by the town board of the Town of Lansing on October 13, 1917, subject to all the terms and conditions therein set forth; and to lay a cable across Cayuga lake under the terms of a revocable permit granted by the Superintendent of Public Works of the State of New York on November 1, 1917.

2. That this order is not intended to and shall not be construed to authorize any construction work in or upon any state or county highway unless and until the consent to and approval of such construction work shall have first been duly given by the State Commission of Highways.

Special Permission Tariffs, December, 1917.

No. 6863; November 30, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated November 28, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and under an effective date of December 20, 1917, a tariff schedule as canceling its joint freight tariff P. S. C., 2 N. Y., No. 3437, and establish the following rates in cents per 100 pounds to apply on shipments of Rough Iron Castings from Albany, N. Y., via Corning, N. Y., and the Erie railroad, to Painted Post, N. Y.: Less carloads 16; carloads, minimum weight as per Official Classification, 13.5. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3522, effective December 20, 1917.

No. 6864; November 30, 1917; Southern New York Power and Railway Corporation:

Ordered: That under its application therefor dated November 28, 1917, the Southern New York Power and Railway Corporation be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule as canceling its proportional freight tariff P. S. C., 2 N. Y., No. 12, and establish the rules and regulations set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required, and is given in order to permit correction of errors.

Completed by P. S. C. No. 13, effective December 12, 1917.

No. 6865; November 20, 1917; The New York, New Haven and Hartford Railroad Company:

Ordered: That under its application therefor dated November 19, 1917, as amended December 1, 1917, The New York, New Haven and Hartford Railroad Company be and is hereby authorized to file, on not less than 5 days' notice to the public and the Commission, a supplement to its tariff of charges for Lighterage, Terminal, and Miscellaneous Services at Brooklyn, N. Y., New York, N. Y., and vicinity, P. S. C., 2 N. Y., No. F-130, changing, as to traffic within this Commission's jurisdiction, from 15 days to 10 days, the period for which freight entitled to free lighterage consigned in shipping order and bill of lading for export will be held without storage charge at stations named in tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required, and is given in order to maintain uniformity of regulations and charges as to New York intrastate and interstate traffic, the Interstate Commerce Commission having, in its I. & S. Docket No. 1010, order of November 12, 1917, permitted the said change in free storage period as to interstate traffic.

Completed by supplement No. 21 to P. S. C. No. F-130, effective December 10, 1917.

No. 6866; Various Carriers; filed December 3, 1917, by The New York Central Railroad Company (Line Buffalo, N. Y., Clearfield, Penna., and East):

Ordered: That under its application therefor dated December 1, 1917, The New York Central Railroad Company (line Buffalo, N. Y., Clearfield, Penna., and east); the Buffalo, Rochester and Pittsburgh Railway Company; The Delaware, Lackawanna and Western Railroad Company; Erie Railroad Company; Lehigh Valley Railroad Company; the Pennsylvania Railroad Company; and West Shore Railroad (The New York Central Railroad Company, lessee), be and they are hereby authorized to file, on not less than 3 days' notice to the public and the Commission and within 10 days from the date hereof, tariff schedules of increased rates applicable on "at-and-east" ex-lake grain, carloads, from Buffalo, N. Y., and Oswego, N. Y., to points within the State of New York, with revised rules or regulations covering elevation and increased storage charges, as more specifically set forth in exhibit attached to said application, which exhibit is hereby made a part of this order, in so far as such rules and charges are subject to the jurisdiction of this Commission. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given, and is given that existing relationships with respect to "at-and-east" ex-lake grain rates (including elevation and storage charges) between interstate shipments and New York intrastate shipments may be maintained, the Interstate Commerce Commission, in its Fifteenth Section Order No. 146, of November 24, 1917, having permitted similar increased rates, regulations, and charges to become effective on 3 days' notice as to interstate traffic.

Completed by tariff publications filed by carriers; effective December 7, 1917.

No. 6867; December 5, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated December 4, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rate of \$1.84 per gross ton of 2240 pounds to apply on carload shipments of Iron Pyrites, minimum carload weight 25 gross tons, from Antwerp, N. Y., via West Shore railroad, Rotterdam Junction, N. Y., and the Boston and Maine railroad, to Mechanicville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3519, effective December 10, 1917.

No. 6868; December 5, 1917; Northport Traction Company:

Ordered: That under its application therefor dated December 3, 1917, the Northport Traction Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission, a tariff schedule properly P. S. C., 2 N. Y., numbered, establishing a fare of six cents per capita for the transportation of persons to or from points on its line not within the limits of the incorporated village of Northport, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given. It is given to permit proper alignment of fares, this Commission in its order of November 20, 1917, in case No. 6191, having authorized a passenger fare of 6 cents over the lines of said carrier within the limits of the incorporated village of Northport.

Completed by P. S. C. No. 2, effective December 14, 1917.

No. 6869; December 5, 1917; The Long Island Railroad Company:

Ordered: That under its application therefor dated December 4, 1917, The Long Island Railroad Company be and is hereby authorized to file, on not less than 5 days' notice to the public and the Commission and within 30 days from the date hereof, a supplement to its tariff of car demurrage rules, P. S. C., 2 N. Y., No. 431, changing the free time allowance on cars containing export freight, except lumber and bulk freight (not covered by through export bills of lading), as shown in Rule 2, section 6(c), of said tariff, from 15 days to 10 days. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required, and is given in order to maintain uniformity of regulations and charges as to New York intrastate and interstate traffic, the Interstate Commerce Commission having, in its I. & S. Docket No. 1010, order of November 12, 1917, permitted the said change in free storage period as to interstate traffic.

Completed by supplement No. 7 to P. S. C. No. 431, effective December 18, 1917.

No. 6870; December 5, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated December 4, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than 5 days' notice to the public and the Commission and within 30 days from the date hereof, tariff schedules establishing the following rates in cents per 2240 pounds to apply on carload shipments, minimum carload weight as per Official Classification: On Scrap Iron and Steel from Rochester, N. Y., to Olean, N. Y., 140; on Pig Iron, from Charlotte, Latta Road, N. Y., to LeRoy, N. Y., 70, to Rochester, N. Y., 40. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice required, and is given in order to maintain proper rate relationships and alignment of rates as to New York state and interstate rates in line with increased rates permitted by the Interstate Commerce Commission in its Fifteenth Section Order No. 90, of November 14, 1917.

Completed by P. S. C. No. 1379, effective December 13, 1917, and P. S. C. No. 1380, effective December 14, 1917.

No. 6871; December 7, 1917; The Pennsylvania Railroad Company:

Ordered: That under its application therefor dated December 7, 1917, The Pennsylvania Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of December 10, 1917, a tariff as superseding its tariffs A. A. P. S. C., 2 N. Y., Nos. 91 and 116, and continue switching charges on Anthracite Coal, Anthracite Briquettes and Boulets, in carloads, at Buffalo, N. Y., and vicinity, with rules and regulations now contained in its tariff A. A. P. S. C., 2 N. Y., No. 91. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law

except as to the notice to be given, and it is given in order that uniform charges and regulations may be applicable as to New York intrastate and interstate traffic.

Completed by A. A., P. S. C. No. 118, effective December 10, 1917.

No. 6872; December 10, 1917; The Baltimore and Ohio Railroad Company:

Ordered: That under its application therefor dated December 8, 1917, The Baltimore and Ohio Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not later than December 15, 1917, supplements to its tariffs of "Lighterage and Terminal Regulations in New York Harbor and Vicinity," P. S. C., 2 N. Y., Nos. 41 and 46, canceling the postponement supplements Nos. 19 and 6 to said tariffs respectively, which were issued for the purpose of postponing until December 15, 1917, Rule 17 in supplements Nos. 17 and 1 to said tariffs. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications nor any of the provisions of the Public Service Commissions Law except as to the notice to be given and as to the number of supplements permitted to said tariffs under paragraph (e) of Rule 9, Circular No. 55; and is given in order that uniform charges and regulations may obtain as to intrastate and interstate traffic, the Interstate Commerce Commission having vacated and set aside as of December 15, 1917, its order in I. & S. Docket No. 1027 suspending said Rule 17.

Completed by supplement No. 20 to P. S. C. No. 41, and supplement No. 12 to P. S. C. No. 46; effective December 14, 1917.

No. 6873; December 6, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated December 5, 1917, The Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and within twenty days from the date hereof, a tariff schedule which shall supersede, as to New York intrastate traffic subject to the supervision of this Commission, its joint and proportional freight tariff on Iron and Steel Articles from Buffalo, N. Y., P. S. C., 2 N. Y., No. 1359, and on said articles or commodities from and to New York state points named in said tariff establish rates which shall be increases of approximately fifteen per centum over the rates now contained in said P. S. C., 2 N. Y., No. 1359, in line with authorization of the Interstate Commerce Commission as to interstate rates in its Fifteenth Section Order No. 127, of date November 24, 1917, except that no change shall be made in rates which were advanced approximately fifteen per centum on or about August 20, 1917. Such revision or increase of rates shall be subject to the preservation of port differentials now observed, shall maintain established rate relationships, and comply with rules for computation of per ton rates and for disposition of fractions of one cent approved by the Interstate Commerce Commission. This authority is given in order that uniform rates and practices may obtain as to intrastate and interstate traffic, but does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1381, effective December 20, 1917.

No. 6874; December 10, 1917; Erie Railroad Company:

Ordered: That under its application therefor dated December 8, 1917, The Erie Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a supplement to its tariff schedule of Exceptions to the Official Classification, etc., P. S. C., 2 N. Y., No. 3571, and amend List of Iron and Steel Articles, Group "C," taking Billet or Scrap Iron rates, item 454, page 67, thereof, by changing article now reading "Ferro Silicon, in packages (the product of electrolytic furnaces), from Niagara Falls, only," to read "Ferro Silicon (the product of electrolytic furnaces) from Niagara

Falls, N. Y." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 28 to P. S. C. No. 3571, effective January 2, 1917.

No. 6875; December 11, 1917; Lehigh Valley Railroad Company:

Ordered: That under its application therefor dated December 10, 1917, The Lehigh Valley Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a supplement to its tariff schedule of Exceptions to the Official Classification, etc., P. S. C., 2 N. Y., No. D-3274, for the purpose of amending same by adding to item 108, shown on page 38 thereof, regulation providing that on Ferro Silicon (product of electrolytic furnaces), carloads, minimum weight as per Official Classification, transported from territory described in said schedule as "F" to territories described as "A," "C," and "E," the same rates shall apply as apply on Billets, carloads, from and to said territories. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 22 to P. S. C. No. D-3274, effective December 25, 1917.

No. 6876; December 11, 1917; The Delaware and Hudson Company:

Ordered: That under its application therefor dated December 10, 1917, The Delaware and Hudson Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and under an effective date not earlier than January 1, 1918, a supplement to its Local and Proportional tariff of Commodity Rates, P. S. C., 2 N. Y., No. 3414, establishing therein, from Cobleskill, N. Y., to Albany, N. Y., a rate of 42 cents per ton of 2,000 pounds on Broken or Crushed Stone (except marble), in carloads, minimum and maximum weights to be those shown on pages 3 and 4 of said tariff, as applicable in connection with commodities in "Weight Group No. 1." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 3414, effective January 1, 1917.

No. 6877; December 12, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated December 10, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, supplements to, or superseding issues of, tariffs N. Y. C. & H. R. R. R. Co., P. S. C., 2 N. Y., Nos. 8774 and 11002, and P. S. C., 2 N. Y., N. Y. C. Nos. 2117, 2543, 2702, 2675, 2835, 2860, 3006, 3047, 3472, 3489, 3490, and 3513, establishing, as to New York intrastate traffic, on Ferro Silicon (product of electrolytic furnaces), in bulk, carloads, the same rates as are now shown in above named tariffs applicable on Ferro Silicon (product of electrolytic furnaces), in packages, carloads. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplements to tariffs effective January 3 and 5, 1918.

No. 6878; December 12, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated December 10, 1917, The West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public

and the Commission and within thirty days from the date hereof, a supplement to, or superseding issues of, tariffs P. S. C., 2 N. Y., W. S. Nos. 641, 656, 779, 853, 876, 1079, and 1082, establishing, as to New York intrastate traffic, on Ferro Silicon (product of electrolytic furnaces), in bulk, carloads, the same rates as are now shown in above named tariffs applicable on Ferro Silicon (product of electrolytic furnaces), in packages, carloads. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplements to tariffs effective January 2, 3, and 5, 1918.

No. 6879; December 12, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated December 11, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 32 cents per 2,000 pounds to apply on carload shipments of Limestone and Fluxing Stone, minimum carload weight 60,000 pounds, from Manlius, N. Y., to Solvay, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C., W. S. No. 1034, effective December 14, 1917.

No. 6880; December 12, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated December 11, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing rate of 18.1 cents per 100 pounds to apply on carload shipments of Second-hand Railroad Ties, minimum carload weight as per Official Classification, from Colden, N. Y., Farmersville, N. Y., and Springville, N. Y., via Maplewood, N. Y., and West Shore and New York Central railroads, to Childwold, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 1382, effective December 17, 1917.

No. 6881; December 14, 1917; United Traction Company:

Ordered: That under its application therefor dated December 14, 1917, The United Traction Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within ten days from the date hereof, a supplement to its local tariff of passenger fares, P. S. C., 2 N. Y. No. 10, for the purpose of extending the first fare zone limit for north-bound Albany-Troy-Cohoes lines from Jermain's to Schuyler Bridge at the same fares as now apply to and from Jermain's, and providing for the carriage of local passengers on cars of the Albany-Troy-Cohoes through lines who desire to ride to and from Watervliet and Troy, Green Island and Troy, and Watervliet and Cohoes, without the privilege of transfers, as per exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 4 to P. S. C. No. 10, effective December 17, 1917.

No. 6882; December 14, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated December 13, 1917, The New York Central Railroad Company be and is hereby authorized to file, on

not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.32 per 2000 pounds to apply on carload shipments of Logs, minimum carload weight 60,000 pounds, from Rands Siding, N. Y., to Penn Yan, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3528, effective December 21, 1917.

No. 6883; December 14, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated December 13, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing the following rates to apply on carload shipments of Logs, weight not to exceed the marked capacity of car, from Big Moose, N. Y., to Tupper Lake Junction, N. Y.: \$7 per car when handled in equipment furnished by the carrier; \$6.55 per car when handled in private equipment. No mileage or per diem charges will be allowed on private equipment. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C., N. Y. C. No. 3529, effective December 21, 1917.

No. 6884; December 17, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated November 15, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of \$1.16 per 2000 pounds to apply on carload shipments of Crushed Stone, minimum carload weight 60,000 pounds, from Little Falls, N. Y., to Dexter, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3530, effective December 22, 1917.

No. 6885; December 17, 1917; R. N. Collyer, Agent:

Ordered: That under his application therefor dated December 15, 1917, R. N. Collyer, agent duly authorized to file Official Classification and amendments thereto for various common carriers, be and he is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of January 1, 1918, tariff schedules effecting, as set forth in said application which is hereby made a part of this order, complete cancellation of Official Classification P. S. C., 2 N. Y., O. C. No. 43, and establishing by amendment to Official Classification P. S. C., 2 N. Y., O. C. No. 44, descriptions, ratings, minimum weights, rules and regulations for Live Stock in conformity with findings of the Interstate Commerce Commission in its Investigation and Suspension Docket No. 956, decided November 28, 1917; also amending item 4, page 225 of said Official Classification, P. S. C., 2 N. Y., O. C. No. 44, under heading "Live Wild Animals," to exclude application of this item to Buffaloes, which shall be otherwise specifically provided for in the Live Stock description. This authority is given that uniform charges and regulations may apply as to intrastate and interstate traffic, and does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 19 to P. S. C. O. C. No. 43, and supplement No. 20 to P. S. C. O. C. No. 44; effective January 1, 1918.

No. 6886; December 19, 1917; The New York Central Railroad Company:

Not used; schedules issued under authority of special permission No. 6877.

No. 6887; December 19, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Not used; schedules issued under authority of special permission No. 6878.
No. 6888; December 17, 1917; Huntington Railroad Company:

Ordered: That under its application therefor dated December 14, 1917, the Huntington Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule eliminating from its passenger tariff P. S. C., 2 N. Y., No. 9, the round-trip ticket fare of fifty cents between Huntington Village, N. Y., and Amityville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 3 to P. S. C. No. 9, effective December 30, 1917.
No. 6889; December 22, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated December 17, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, supplements to its tariffs P. S. C., 2 N. Y., Nos. 1121 and 1184, establishing on Feldspar, in carloads, from Stone Road Siding, N. Y., the same rates as are now in effect in said tariffs and applicable on New York state traffic from Genesee Dock, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 4 to P. S. C. No. 1121, and supplement No. 4 to P. S. C. No. 1184; effective January 12, 1918.

No. 6890; The New York Central Railroad Company:

This special permission not used.

No. 6891; Various Carriers:

Ordered: That under applications therefor the carriers or their duly authorized agents subject to the jurisdiction of this Commission be and they are hereby authorized to file supplements to various tariff schedules for the purpose of further postponing, from December 30, 1917, until June 30, 1918, the effective dates of said tariff schedules which are suspended until said June 30, 1918, by the Interstate Commerce Commission in its order of November 19, 1917, "Eastern Commodity Case," Investigation and Suspension Docket No. 1125. Said postponements shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder. Supplements issued under this permission will not be counted against the number of supplements permitted to said tariffs under Rule 9(e) of the Commission's Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may apply as to intrastate and interstate traffic; it does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to tariffs filed by various carriers.

No. 6892; December 24, 1917; C. L. Hunter:

Ordered: That under application therefor by C. L. Hunter, dated December 22, 1917, steam railroad carriers subject to the jurisdiction of this Commission be and they are hereby authorized to file, without notice to the public and the Commission but under an effective date not earlier than January 1, 1918, tariff schedules canceling and withdrawing arrangements, regulations, and charges now in effect and applicable to New York intrastate traffic for the movement of all classes of private and other special passenger cars of any type whatsoever, except Federal and State government cars, and discontinue the

practice of furnishing or hauling special or private passenger cars. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by numerous tariff publications filed by various carriers.

No. 6893; December 26, 1917; Peekskill Lighting and Railroad Company:

Ordered: That under its application therefor dated December 24, 1917, the Peekskill Lighting and Railroad Company be and is hereby authorized to file, on five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff, establishing therein such fares and regulations for the transportation of persons between points within Zones 2 and 3 on the lines of its road as may be necessary to bring said fares or regulations into proper alignment with the increased fares permitted in Zone 1 by this Commission in its order of December 12, 1917, in case No. 6094. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3, effective January 1, 1918.

No. 6894; December 26, 1917; Putnam and Westchester Traction Company:

Ordered: That under its application therefor dated December 24, 1917, the Putnam and Westchester Traction Company be and is hereby authorized to file, on five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff establishing therein such fares and regulations for the transportation of persons between points within Zone 2 on the line of its road as may be necessary to bring said fares or regulations into proper alignment with the increased fares permitted in Zone 1 by this Commission in its order of December 12, 1917, in case No. 6096. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 2, effective January 1, 1918.

No. 6895; December 27, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated December 26, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 37 cents per two thousand pounds to apply on carload shipments of Building Sand, minimum carload weight 60,000 pounds, from Ogdensburg, N. Y., to Morristown, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 3173, effective January 2, 1918.

No. 6896; December 27, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated December 21, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 47 cents per 2000 pounds to apply on carload shipments of Manure, minimum carload weight 60,000 pounds, from Lyons (Perkins Switch), N. Y., to Newark, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the

No. 6887; December 19, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee) :

Not used; schedules issued under authority of special permission No. 6878.

No. 6888; December 17, 1917; Huntington Railroad Company:

Ordered: That under its application therefor dated December 14, 1917, the Huntington Railroad Company be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule eliminating from its passenger tariff P. S. C., 2 N. Y., No. 9, the round-trip ticket fare of fifty cents between Huntington Village, N. Y., and Amityville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 3 to P. S. C. No. 9, effective December 30, 1917.

No. 6889; December 22, 1917; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor dated December 17, 1917, the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, supplements to its tariffs P. S. C., 2 N. Y., Nos. 1121 and 1184, establishing on Feldspar, in carloads, from Stone Road Siding, N. Y., the same rates as are now in effect in said tariffs and applicable on New York state traffic from Genesee Dock, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 4 to P. S. C. No. 1121, and supplement No. 4 to P. S. C. No. 1184; effective January 12, 1918.

No. 6890; The New York Central Railroad Company:

This special permission not used.

No. 6891; Various Carriers:

Ordered: That under applications therefor the carriers or their duly authorized agents subject to the jurisdiction of this Commission be and they are hereby authorized to file supplements to various tariff schedules for the purpose of further postponing, from December 30, 1917, until June 30, 1918, the effective dates of said tariff schedules which are suspended until said June 30, 1918, by the Interstate Commerce Commission in its order of November 19, 1917, "Eastern Commodity Case," Investigation and Suspension Docket No. 1125. Said postponements shall be made in the manner prescribed by the Public Service Commissions Law and the regulations of the Commission established thereunder. Supplements issued under this permission will not be counted against the number of supplements permitted to said tariffs under Rule 9(e) of the Commission's Circular No. 55. This authority applies only to traffic as to which this Commission has jurisdiction, and is given in order that uniform charges and regulations may apply as to intrastate and interstate traffic; it does not include later supplements to or reissues of the tariffs amended thereunder.

Completed by proper supplements to tariffs filed by various carriers.

No. 6892; December 24, 1917; C. L. Hunter:

Ordered: That under application therefor by C. L. Hunter, dated December 22, 1917, steam railroad carriers subject to the jurisdiction of this Commission be and they are hereby authorized to file, without notice to the public and the Commission but under an effective date not earlier than January 1, 1918, tariff schedules canceling and withdrawing arrangements, regulations, and charges now in effect and applicable to New York intrastate traffic for the movement of all classes of private and other special passenger cars of any type whatsoever, except Federal and State government cars, and discontinue the

practice of furnishing or hauling special or private passenger cars. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by numerous tariff publications filed by various carriers.

No. 6893; December 26, 1917; Peekskill Lighting and Railroad Company:

Ordered: That under its application therefor dated December 24, 1917, the Peekskill Lighting and Railroad Company be and is hereby authorized to file, on five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff, establishing therein such fares and regulations for the transportation of persons between points within Zones 2 and 3 on the lines of its road as may be necessary to bring said fares or regulations into proper alignment with the increased fares permitted in Zone 1 by this Commission in its order of December 12, 1917, in case No. 6094. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 3, effective January 1, 1918.

No. 6894; December 26, 1917; Putnam and Westchester Traction Company:

Ordered: That under its application therefor dated December 24, 1917, the Putnam and Westchester Traction Company be and is hereby authorized to file, on five days' notice to the public and the Commission and within thirty days from the date hereof, a tariff establishing therein such fares and regulations for the transportation of persons between points within Zone 2 on the line of its road as may be necessary to bring said fares or regulations into proper alignment with the increased fares permitted in Zone 1 by this Commission in its order of December 12, 1917, in case No. 6096. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 2, effective January 1, 1918.

No. 6895; December 27, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated December 26, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 37 cents per two thousand pounds to apply on carload shipments of Building Sand, minimum carload weight 60,000 pounds, from Ogdensburg, N. Y., to Morristown, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 7 to P. S. C. N. Y. C. No. 3173, effective January 2, 1918.

No. 6896; December 27, 1917; West Shore Railroad (The New York Central Railroad Company, Lessee):

Ordered: That under its application therefor dated December 21, 1917, the West Shore Railroad (The New York Central Railroad Company, lessee) be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 47 cents per 2000 pounds to apply on carload shipments of Manure, minimum carload weight 60,000 pounds, from Lyons (Perkins Switch), N. Y., to Newark, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the

construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. W. S. No. 1101, effective December 31, 1917.

No. 6897; Buffalo, Rochester and Pittsburgh Railway Company:

Ordered: That under its application therefor the Buffalo, Rochester and Pittsburgh Railway Company be and is hereby authorized to file, without notice to the public and the Commission and under an effective date of January 1, 1918, supplements to its passenger tariff schedules P. S. C., 2 N. Y., Nos. 275 and 282, eliminating from supplements 11 and 10 to the said tariffs, respectively, each and every reference therein to the discontinuance of passenger station at Crystal Lake, N. Y., and the cancellation of distances and passenger fares to and from that station. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications except Rule 33(d) of Circular No. 55, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 12 to P. S. C. No. 275, and supplement No. 11 to P. S. C. No. 282; effective January 1, 1917.

No. 6898; December 28, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated December 27, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing rates on Fluid Milk from Richville, N. Y., to Gouverneur, N. Y., as follows: Less than carloads, minimum 75 cans, 24.2 cents per can of 40 quarts; carloads, minimum 250 cans, 21.1 cents per can. Said rates will not include icing, but will include free return of empty cans. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6899; December 29, 1917; Fonda, Johnstown and Gloversville Railroad Company:

Ordered: That under its application therefor dated December 28, 1917, the Fonda, Johnstown and Gloversville Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing a rate of \$1.31½ per 2,000 pounds to apply on carload shipments of Wooden Broom Handles, minimum carload weight 40,000 pounds, from Cranberry Creek, N. Y., to Amsterdam, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 246, effective January 6, 1918.

No. 6900; December 29, 1917; Troy and New England Railway Company:

Ordered: That under its application therefor dated December 28, 1917, the Troy and New England Railway Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within 30 days from the date hereof, a tariff schedule establishing the following fares and regulations: "Strip School Commutation Tickets at rate of fare computed on ten times one-half of the regular one-way adult passenger fare between the points as shown in tariff lawfully established and on file with the Public Service Commission, Second District, State of New York. Tickets are not to be transferable and will be good until used; they will only be sold to pupils of age eighteen and under who are regularly attending a public school or private school having similar grades; they will be honored for passage on regular school days between the hours of 7 a. m. and 9 a. m., 2 p. m. and 6 p. m., excluding Saturdays, Sundays, and legal holidays." This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor

any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by supplement No. 1 to P. S. C. No. 3, effective January 3, 1918.
No. 6901; December 29, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated December 28, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date not earlier than January 1, 1918, a supplement to its tariff P. S. C., 2 N. Y., No. 280, eliminating therefrom fares and regulations applying to the sale of mid-winter excursions to Adirondack Mountain and Lake George destinations as shown in said tariff. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as herein stated.

Completed by supplement No. 1 to P. S. C. N. Y. C. No. 280, effective January 1, 1918.

No. 6902; December 31, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated December 29, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 42 cents per 2,000 pounds to apply on carload shipments of Ice, minimum carload weight 50,000 pounds, from Dykemans, N. Y., to Towners, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. N. Y. C. No. 3540, effective January 5, 1918.

No. 6903; December 31, 1917; The New York Central Railroad Company:

Ordered: That under its application therefor dated December 29, 1917, The New York Central Railroad Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, a tariff schedule establishing a rate of 10.5 cents per 100 pounds to apply on carload shipments of Pulpwood, minimum carload weight 40,000 pounds, from Lake Clear Junction, N. Y., via Schenectady, N. Y., and the Delaware and Hudson Company's railroad to Mechanicville, N. Y. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

No. 6904; December 31, 1917; Rochester and Syracuse Railroad Company, Inc.:

Ordered: That under its application therefor dated December 29, 1917, the Rochester and Syracuse Railroad Company, Inc., be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and within 30 days from the date hereof, a local freight tariff applying in both directions between Lake Shore Junction Siding, N. Y., and Riley-Knapp Construction Company Siding, Fairport, N. Y., establishing the rates and regulations to apply on shipments of all kinds of merchandise as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published rules relative to the construction and filing of tariff publications, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by P. S. C. No. 4, effective January 7, 1918.

No. El.-36; November 28, 1917; Schenectady Illuminating Company:

Ordered: That under its application therefor dated November 27, 1917, the Schenectady Illuminating Company be and is hereby authorized to file, on not less than four days' notice to the public and the Commission and

effective December 1, 1917, an amendment to its General Schedule for Electricity P. S. C., 2 N. Y., No. 1, superseding Original Leaf No. 17, Service Classification No. 9, and establish the rates and regulations for sign and outline lighting as set forth in exhibit attached to said application, which exhibit is hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations relative to the publication and filing of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective December 1, 1917.

No. El.-37; December 13, 1917; Utica Gas and Electric Company:

Ordered: That under its application therefor dated December 12, 1917, the Utica Gas and Electric Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and under an effective date of December 15, 1917, amendments to its General Schedule for Electricity P. S. C., 2 N. Y., No. 1, revising service classification No. 2 thereof and establish the rates and regulations for sign and display lighting as per exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations relative to the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice required; it is given that said service classification may be modified to comply with Order No. 137 of the United States Fuel Administrator.

Completed by schedules effective December 15, 1917.

No. El.-38; December 18, 1917; Gregory Electric Company, Inc.:

Ordered: That under its application therefor dated December 15, 1917, the Gregory Electric Company, Inc., be and is hereby authorized to file, on not less than five days' notice to the public and the Commission and under an effective date of January 1, 1918, amendments to its General Schedule for Electricity P. S. C., 2 N. Y., No. 1, revising its service classification for light, heat, and power, and establishing a new service classification for fuel and power as set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective January 1, 1918.

No. El.-39; December 19, 1917; The Yonkers Electric Light and Power Company:

Ordered: That under its application therefor dated December 17, 1917, The Yonkers Electric Light and Power Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days from the date hereof, an amendment to its General Schedule for Electricity P. S. C., 2 N. Y., No. 1, establishing the following regulation: "Any and all rate schedules, contracts, service riders, and regulations of this company that may be affected by orders or amendments thereto issued or that may hereafter be issued by the United States Fuel Administrator, Washington, D. C., acting under authority of an executive order of the President and in furtherance of the purpose of the Act of Congress approved August 10, 1917, are hereby modified and amended so as to comply in all respects with such orders or amendments." This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective December 25, 1917.

No. El.-40; December 28, 1917; Courter Electric Company:

Ordered: That under its application therefor dated December 27, 1917, the Courter Electric Company be and is hereby authorized to file, on not less than one day's notice to the public and the Commission and within thirty days

from the date hereof, first revised leaf No. 4 to its General Schedule for Electricity, P. S. C., 2 N. Y., No. 1, superseding original leaf No. 4, and amend service classification No. 1 by changing the meter rate to twelve cents per kilowatt hour and the minimum monthly charge to one dollar. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedule effective January 1, 1918.

No. g-17; December 27, 1917; Iroquois Natural Gas Company:

Ordered: That under its application therefor dated December 27, 1917, the Iroquois Natural Gas Company, for the purpose of postponing the effective date of rates and regulations heretofore filed with this Commission to become effective January 1, 1918, be and is hereby authorized to file, on not less than three days' notice to the public and the Commission and under an effective date of January 1, 1918, amendments to its General Schedules for Gas, P. S. C., 2 N. Y., Nos. 1, 2, 3, and 4, continuing the rates and regulations now in effect as set forth in exhibits attached to said application, which exhibits are hereby made a part of this order. This authority does not waive any of the requirements of the Commission's published regulations governing the filing and publication of rate schedules, nor any of the provisions of the Public Service Commissions Law except as to the notice to be given.

Completed by schedules effective January 1, 1918.

APPENDIX H

MATTER OF REPARATION, ETC., 1917.

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APPENDIX H

In its Tenth Annual Report for the year 1916 the Commission referred to a decision of the Appellate Division of the Supreme Court, First Department, under date of December 3, 1915, to the effect that the Commission has no power to adjudge that carriers shall refund past charges, because of the fact that the New York State statute contains no provision similar to section 16 of the Federal Act to Regulate Commerce which gives the Interstate Commerce Commission authority to determine that a complainant is entitled to an award of damages (*Matter of Murphy v. N. Y. O. R. R. Co.*, 170 App. Div. 788), and stated that an appeal from that decision to the Court of Appeals had not been argued. The case has not yet been argued before the Court of Appeals. The Commission also stated that since the decision of the Appellate Division it had ceased making determinations and orders in reparation cases, so called, but that whenever carriers voluntarily submitted to the Commission proposals for reparation to shippers or consignees, and the reasons therefor appeared good and sufficient, the Commission considered it a proper exercise of discretion to advise the carrier that reparation, if made by the corporation, would not be disapproved by the Commission, and *vice versa* in cases where the reasons advanced were considered by the Commission insufficient to justify the proposal. Such practice has been continued by the Commission during the year, and following is a digest of the matters affirmatively passed upon by the Commission from January 2, 1917, to the end of the calendar year.

January 2, 1917

C.C.No. A 3611: A. O. Dutton Lumber Corporation, complainant, *v.* Central New England Railway Company and Erie Railroad Company, respondents. Refund of \$23.36 on two carloads of shingles and one carload of lumber from Poughkeepsie via Campbell Hall to Florida, N. Y. Joint through rate in excess of combination of local rates.

C.C.No. A 3615: Pearl City Veneer Company, complainant, *v.* Erie Railroad Company, respondent. Refund of \$311.79 on thirteen carloads of logs from Little Valley and Perrysburg to Falconer. Violation of long and short haul clause.

C.C.No. A 3645: Francis M. Churchill, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$16.15 on one carload of slabwood from Meno to Lyons. Violation of long and short haul clause.

C.C.No. A 3654: Farmers Feed Company, complainant, *v.* The Pennsylvania Railroad Company, respondent. Refund of \$4 on one carload of brewers dried grain from Buffalo to Chaffee. Violation of long and short haul clause.

C.C.No. A 3666: Feeney & Sheehan Building Company, complainant, *v.* The New York Central Railroad Company, respondent. Non-collection of outstanding charge of \$56.40 in connection with the transportation of three carloads of lime from Dover Plains to Albany. Excessive rate.

C.C.No. A 3691: D. Heffer & Son, complainants, *v.* The New York Central Railroad Company, respondent. Refund of \$93.87 on two carloads of wheat from Thompson's to Ogdensburg. Excessive rate.

C.C.No. A 3734: Ticonderoga Pulp & Paper Company, complainant, v. The New York Central Railroad Company and The Delaware and Hudson Company, respondents. Non-collection of outstanding charge of \$4.95 in connection with the transportation of one carload of bleach from Echota via Schenectady to Ticonderoga. Excessive rate.

C.C.No. A 3756: Chas. C. Kellogg & Sons Co., complainant, v. New York, Ontario and Western Railway Company and The New York Central Railroad Company, respondents. Refund of \$15.98 on one carload of lumber from Franklin Springs via Utica to Little Falls. Violation of long and short haul clause.

January 9, 1917

C.C.No. A 3268: McDermott Dairy Company, complainant, v. The New York Central Railroad Company, respondent. Payment of \$5 because of cartage charge imposed upon complainant due to misrouteing of shipment of cream from Canton to 130th Street, New York city.

C.C.No. A 3667: National Fire Proofing Company, complainant, v. The New York Central Railroad Company, respondent. Refund of \$69.70 on four carloads of hollow building tile from 60th Street station, New York city, to Albany. Excessive rate.

C.C.No. A 3681: Dutchess County Lime Company, complainant, v. The New York Central Railroad Company, respondent. Refund of \$99 on three carloads of pulverized limestone from Dover Plains to Troy. Excessive rate.

C.C.No. A 3702: Duffney Brick Company, complainant, v. J. H. Hustis, Temporary Receiver of Boston and Maine Railroad, and The New York Central Railroad Company, respondents. Refund of \$40.66 on six carloads of brick from Mechanicville via Rotterdam Junction to South Fort Plain. Excessive rate.

January 16, 1917

C.C.No. A 3557: Genesee Furnace Company, complainant, v. The New York Central Railroad Company, respondent. Non-collection of outstanding charge of \$796.78 involved in the transportation of thirty carloads of iron ore from East Buffalo to Charlotte. Excessive rate.

C.C.No. A 3571: Geneva Limestone Company, complainant, v. The New York Central Railroad Company and The Pennsylvania Railroad Company, respondents. Non-collection of outstanding charge of \$63.66 involved in the transportation of two carloads of crushed stone from Oaks Corners via Canandaigua to Produce Siding. Violation of long and short haul clause.

C.C.No. A 3589: Edwin Billington, jr., complainant, v. The New York Central Railroad Company, respondent. Payment of \$1.96 because of cartage charge imposed upon complainant due to misrouteing of shipment of armored cables from New York to Ossining.

C.C.No. A 3599: David H. Van Damm, complainant, v. The New York Central Railroad Company, respondent. Payment of \$5 because of cartage charge imposed upon complainant due to misrouteing of shipment of household goods from Buffalo to Westchester Avenue station, New York city.

January 23, 1917

C.C.No. A 3278: The Buffalo Union Furnace Co., complainant, v. Erie Railroad Company and The Delaware and Hudson Company, respondents. Refund of \$55.31 on two carloads of pig iron from Buffalo Lake, a station of the Erie Railroad Company in Buffalo, via Binghamton to Saratoga Springs. Excessive rate.

C.C.No. A 3539: Geneva Preserving Company, complainant, v. The New York Central Railroad Company, respondent. Refund of \$55.95 on one carload of tomato plants from Albion to Junius. Excessive rate.

C.C.No. A 3558: J. D. Lorentz, complainant, v. The Delaware and Hudson Company, respondent. Refund of \$28.25 on five carloads of news print paper from Glens Falls to Albany. Excessive rate.

C.C.No. A 3607: Constantine Construction Co., complainant, v. The New York Central Railroad Company, respondent. Non-collection of outstanding charge of \$44.17 involved in the transportation of two carloads of curb stone from Albion to Louisiana Street station, Buffalo. Excessive rate.

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C.C.No. A 3796: Saratoga Sand and Gravel Co., complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$97.50 on three carloads of sand from Yosts to Whitesboro. Excessive rate.

January 25, 1917

C.C.No. A 3131 (2): D. Heffer & Son, complainants, *v.* The New York Central Railroad Company and The Delaware, Lackawanna and Western Railroad Company, respondents. Refund of \$12.60 on one carload of wheat from Dundee via Syracuse to Baldwinsville. Excessive rate.

C.C.No. A 3722: International Paper Company, complainant, *v.* The Delaware and Hudson Company and The New York Central Railroad Company, respondents. Refund of \$6.88 on one carload of news print paper from Glens Falls via Schenectady to Buffalo. Excessive rate.

February 1, 1917

C.C.No. A 3060: Dilman Brothers, Inc., complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$6.25 on one carload of cabbage from Junius to Buffalo. Excessive rate.

February 20, 1917

C.C.No. A 2704: J. A. Barnes and J. G. Curtis & Son, complainants, *v.* The New York Central Railroad Company, respondent. Refund of 82 cents and non-collection of outstanding charge of \$16 for complainant Barnes, and refund of 79 cents and non-collection of outstanding charge of \$5.50 for complainants Curtis & Son, on three less than carloads of live stock forwarded on Tuesdays in pick-up cars from Baldwin Place and Amawalk to 60th Street station, New York city. Excessive minimum weight and rate.

C.C.No. A 3867: Baum's Castorine Co., complainant, *v.* The New York Central Railroad Company, respondent. Payment of 37 cents because of additional cartage charge imposed upon complainant due to misdelivery at Honeoye Falls of shipment of soda accepted by respondent for transportation from Syracuse to Lima.

February 27, 1917

C.C.No. A 3939: Mountain Lumber Company, complainant, *v.* The New York Central Railroad Company, Rutland Railroad Company, and The Delaware and Hudson Company, respondents. Refund of \$655.90 on fourteen carloads of pulpwood from Santa Clara to Ticonderoga. Excessive rate.

March 6, 1917

C.C.No. A 3780: Donner Steel Company, complainant, *v.* Erie Railroad Company, respondent. Adjustment of outstanding charge of \$5589.18 on two hundred and ten carloads of limestone switched within the city of Buffalo. Excessive rate.

C.C.No. A 3905: Gouverneur Marble Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$44.88 on five carloads of building marble from Gouverneur to East Syracuse. Excessive rate.

C.C.No. A 3918: Queen City Dairy Company, complainant, *v.* The Pennsylvania Railroad Company, respondent. Refund of \$81.72 on nine carloads of ice switched within the village of Lime Lake. Excessive rate.

C.C.No. A 3940: Harry W. Roberts & Co., complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$63.25 on one carload of sand from Boonville to Brewerton. Excessive rate.

March 8, 1917

C.C.No. A 3947: H. F. Benton Lumber Co., complainant, *v.* Lehigh Valley Railroad Company, respondent. Refund of \$6.52 on one carload of lumber from Cortland to Groton. Excessive rate.

April 12, 1917

C.C.No. A 3842: D. Heffer & Son, complainants, *v.* The New York Central Railroad Company, respondent. Refund of \$13.76 on one carload of wheat from Thompson's to Rochester. Violation of long and short haul clause.

April 17, 1917

C.C.No. A 3897: Buffalo Union Furnace Company, complainant, *v.* Erie Railroad Company, respondent. Adjustment of outstanding charge of \$1019.30 on twenty-seven carloads of limestone switched within the city of Buffalo. Excessive rate.

May 15, 1917

C.C.No. A 3193: D. Heffer & Son, complainants, *v.* The Pennsylvania Railroad Company and The New York Central Railroad Company, respondents. Refund of \$9.60 on one carload of wheat from Newark, N. Y., to Ogdensburg. Excessive rate.

C.C.No. A 3404: Fitzgerald Brothers Brewing Company, complainant, *v.* The Delaware and Hudson Company, respondent. Refund of \$14 on seven mixed carloads of empty old beer barrels and bottles from Schenectady to the Troy station of respondent at Green Island. Excessive rate.

C.C.No. A. 4036: The Fulton Engineering Co., complainant, *v.* New York, Ontario and Western Railway Company and The Delaware and Hudson Company, respondents. Refund of \$34.84 on one carload of cement forwarded from Howes Cave to Walton and reconsigned thence to Beerston. Violation of long and short haul clause.

May 29, 1917

C.C.No. A 4018: Brooklyn Cooperage Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$18.75 and non-collection of outstanding charge of \$3.83 involved in the transportation of log loader and other commodities from Tupper Lake Junction to Piercefield, and from Piercefield to Pleasant Lake. Excessive rate.

C.C.No. A 4114: National Biscuit Company, complainant, *v.* The Pennsylvania Railroad Company and The New York Central Railroad Company, respondents. Refund of \$29.40 on two carloads of empty cans from Elmira via Canandaigua to 33rd Street station, New York city. Excessive rate.

June 5, 1917

C.C.No. A 4067: Fort Plain Iron Company, complainant, *v.* The New York Central Railroad Company and The Delaware, Lackawanna and Western Railroad Company, respondents. Refund of \$3.80 on one carload of scrap iron from South Little Falls via Syracuse to Cortland. Excessive rate.

July 5, 1917

C.C.No. A 4142: Lancaster Brick & Tile Co., complainant, *v.* Erie Railroad Company and The Pennsylvania Railroad Company, respondents. Refund of \$54.40 on two carloads of hollow brick from Town Line via East Buffalo to East Aurora. Joint through rate in excess of combination of local rates.

C.C.No. A 4244: Warren Brothers Company, complainant, *v.* The Delaware, Lackawanna and Western Railroad Company and Erie Railroad Company, respondents. Refund of \$126.76 on eleven carloads of crushed stone from Jamesville via Binghamton to Endicott. Excessive joint rate.

C.C.No. A 4275: Hinckley Fibre Company, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$73.31 on two carloads of pulpwood from Camden to Hinckley. Excessive rate.

C.C.No. A 4276: Brant Excelsior Co., complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$42.32 on one carload of pulpwood from Mountain View to Boonville. Violation of long and short haul clause.

July 12, 1917

C.C.No. A 3266: D. Heffer & Son, complainants, *v.* Erie Railroad Company and The New York Central Railroad Company, respondents. Refund of \$44.40 on one carload of wheat from Clarence via Corning to Binghamton. Excessive rate.

C.C.No. A 3707: C. D. Dean, complainant, *v.* The Delaware and Hudson Company, respondent. Refund of \$9.64 on four carloads of hay from Esperance to Albany. Excessive rate.

C.C.No. A 4080: Herbert C. Turner Company, complainant, *v.* The Delaware and Hudson Company and The New York Central Railroad Company, respondents. Adjustment of outstanding charge of \$11.69 on one carload of lumber from Ausable Forks via Troy to Westchester Avenue station, New York city. Violation of long and short haul clause.

C.C.No. A 4250: G. Willis Lengfeld, complainant, *v.* The Delaware and Hudson Company, respondent. Refund of \$9.40 on one carload of hay from West Chazy to Lake Placid. Excessive rate.

July 17, 1917

C.C.No. A 4249: John F. White, complainant, *v.* The Delaware and Hudson Company, respondent. Refund of \$21.76 on two carloads of hay from Wadhams to Lake Placid. Excessive rate.

C.C.No. A 4318: Nicholson Brothers, complainants, *v.* Central New England Railway Company and The New York Central Railroad Company, respondents. Adjustment of outstanding charge of \$71.80 on two carloads of soft cord wood from Brinckerhoff via Beacon to Dutchess Junction. Long and short haul clause violated.

C.C.No. A 4375: Griffin Lumber Company, complainant, *v.* The Delaware and Hudson Company and The New York Central Railroad Company, respondents. Adjustment of outstanding charge of \$71.12 on two carloads of sawdust from Hudson Falls via Schenectady to Crescent. Joint through rate in excess of combination of local rates.

August 8, 1917

C.C.No. A 4281: Woolsey Construction Co., complainant, *v.* Buffalo, Rochester and Pittsburgh Railway Company, respondent. Adjustment of outstanding charge of \$160 involved in the movement of four locomotives and tenders within switching limits of Rochester. Excessive rate.

August 14, 1917

C.C.No. A 4353: Frank Doolittle, complainant, *v.* The Delaware and Hudson Company, respondent. Refund of \$1.62 on one carload of hay from Delanson to Oneonta. Excessive rate.

August 16, 1917

C.C.No. A 4456: Everett Chaffee, complainant, *v.* Buffalo, Rochester and Pittsburgh Railway Company, respondent. Refund of \$2.25 on school commutation ticket for transportation between Bliss and Silver Springs. Discontinuance of train service.

September 13, 1917

C.C.No. A 4343: Branch & Callanan, Incorporated, complainant, *v.* The New York Central Railroad Company, respondent. Refund of \$93.73 on five carloads of crushed stone from Saranac Lake to Lake Clear Junction. Long and short haul clause violated.

October 30, 1917

C.C.No. A. 4429: Hecker-Jones-Jewell Milling Company, complainant, *v.* The New York Central Railroad Company, respondent. Payment of \$10.60

because of cartage charge imposed upon complainant due to failure of respondent to effect delivery of two carloads of slack barrels at Corlears and Water streets (East River waterfront).

C.C.No. A 4486: Brooklyn Cooperage Company, complainant, v. The New York Central Railroad Company, respondent. Refund of \$169.62 on eleven carloads of logs from Keepawa to Tupper Lake Junction. Violation of long and short haul clause.

C.C.No. A 4537: The McKinney-McGuire Construction Co., Incorporated, complainant, v. Erie Railroad Company, respondent. Adjustment of outstanding charge of \$39.73 on two carloads of asphalt paving blocks from Lockport to Suspension Bridge. Excessive rate.

C.C.No. A 4538: Bordens Condensed Milk Co., complainant, v. The New York Central Railroad Company, respondent. Refund of \$6.30 on one less than carload shipment of milk from Deer River to Newport. Violation of long and short haul clause.

C.C.No. A 4563: Armour & Co., complainants, v. The New York Central Railroad Company, respondent. Refund of \$7.38 on one carload of cord wood from Mt. Hope to 33rd Street station, New York city. Violation of long and short haul clause.

C.C.No. A 4719: Helderberg Cement Company, complainant, v. The Delaware and Hudson Company and The New York Central Railroad Company, respondents. Refund of \$61.80 on two carloads of cement from Howes Cave via South Schenectady to Fullers. Excessive rate.

November 15, 1917

C.C.No. A 4097: Geneva Limestone Company, Inc., complainant, v. The New York Central Railroad Company, respondent. Refund of \$29.94 on one carload of unburned ground limestone from Oaks Corners to Chambers. Violation of long and short haul clause.

C.C.No. A 4196: A. E. Wellman, complainant, v. Buffalo, Rochester and Pittsburgh Railway Company and The Pennsylvania Railroad Company, respondents. Refund of \$12.92 on one carload of wheat from Perry via Machias to Olean. Excessive rate.

C.C.No. A 4518: International Paper Company, complainant, v. The New York Central Railroad Company, respondent. Refund of \$33.42 on two carloads of pulp wood from Edwards to Brownville. Excessive rate.

C.C.No. A 4568: Fort Plain Iron Company, complainant, v. The New York Central Railroad Company and The Delaware, Lackawanna and Western Railroad Company, respondents. Refund of \$28.21 on four carloads of scrap iron from South Little Falls via Syracuse to Cortland. Excessive rate.

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December 12, 1917

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December 19, 1917

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